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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931).

* The hon. the PRESIDENT:—“ Discussion will now continue on the Bill to amend the Estates Land Act.”

Mr. C. R. Parthasarathi Ayyangar was called to speak, but was not present in his place.

* The hon. the RAJA OF BOBBILI:—“ Sir, in dealing with the various speeches made on the floor of this House proposing the postponement of the official Bill, I wish to say a few words, to correct, according to my view, some of the misstatements made. From the very beginning of the speech, my hon. Friend, Mr. Arasu, said that there was agreement among the various parties on the official Bill after the Select Committee had reported in January last, that all of us requested the hon. the Revenue Member to drop the official Bill altogether and that that understanding has now been violated. As far as I am aware, some time before the Government gave notice of their intention to introduce the Select Committee report, I had the benefit of consulting the various party leaders and my hon. Friend, Mr. Muniswami Nayudu, will confirm my statement when I say that his opinion then was that the official Bill as it emerged from the Select Committee represented a considerable advance in favour of the tenants and that it was desirable to proceed with the official measure. Afterwards on the date on which the Council met all the prominent Members available here came together and it was understood that no measure dealing with the Estates Land Act should be introduced during the lifetime of the present Council, but at the same time I will have to make it clear that although it was their personal opinion none of the leaders of parties desired to commit themselves or make any statement on the floor of the House. Then, all waited on the hon. the Revenue Member and requested him to adjourn the consideration of the Select Committee's report, but no promise was asked nor given that the official Bill should be dropped altogether. In this connexion, I have been also charged with breach of faith, but as I see the position, I find that it is the Members who are supporting the non-official Bill who are responsible for breach of faith, because at that time the understanding was that no measure should be brought forward and subsequently, as hon. Members are aware, notice of a non-official Bill was given. Subsequently, I issued invitations to a number of prominent people and with their consent I convened a meeting in my residence a day or two before the last sitting of the Council. Then it was decided to continue negotiations and Mr. Sami Venkatachalam Chetti said that he would consult his party men and let me know whether he desired to proceed with his Bill. As you are aware, Sir, last time I made an appeal to the Council not to press the motion for leave to introduce the non-official measure and that we should continue the conference method and try to come to an agreement to the fullest extent

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possible. Afterwards the invitees to the conference were kind enough to attend several meetings in my residence and it was decided at the first meeting that a sub-committee consisting of three persons, (1) Mr. Ramadas Pantulu, (2) Mr. Govindarajachariyar and (3) Mr. Ramakrishna Rao should be formed to draft a Bill which in their opinion would be acceptable to both parties. In pursuance of this arrangement Mr. Ramadas Pantulu on that day promised to circulate a memorandum embodying all the points of agreement and disagreement. After that I was absent from Madras for a month and on my return I found very little progress had been made. During my absence a draft was prepared and it was sent for the opinion and remarks of Mr. Ramadas Pantulu. Before I discussed the matter with him, I was surprised to find in the press a statement from Mr. Ramadas Pantulu charging us that we have committed a breach of faith, that we have drafted a Bill without his consent and that we have not carried out the other agreements at the conference. The draft Bill prepared was not a final Bill and it was never the intention of anyone of us to circulate the Bill without the consent of Mr. Ramadas Pantulu and I was sorry to find that he had hastily rushed to the press, and condemned most of the provisions in advance. Subsequently after my return from Bobbili I met Mr. Ramadas Pantulu and I believe after consultation with him some of the main objections pointed out by him have been removed. After I had handed over the revised draft, Mr. Ramadas Pantulu promised to send me a further note on the amendments then proposed. This was on the 6th and on the 12th he wrote to me that he was very busy with several conferences and that he would be able to send me the note only later on. On the 13th my hon. Friends, Mr. Muniswami Nayudu and Mr. M. G. Patnaik, were here in connexion with the meeting of Select Committee and I took advantage of their presence in Madras and placed this draft in their hands. On the 13th we met at my house and the Members expressed to me that they did not have sufficient time to express any definite opinion on the proposed amendments. Then it was understood that all those who were present there on that occasion should meet on the 22nd, i.e., Sunday and I invited only those that were not present on that occasion, viz., Dr. Subbarayan and Ramadas Pantulu. Yesterday, my hon. Friend, Mr. Sami Venkatachalam Chettiar, said that I promised to send invitations to all, but I failed to do so. Perhaps hon. Members who were present at the meeting will correct me if I am mistaken. My impression has all along been that it was decided that we should meet on the 22nd. It was also decided that the time of meeting should be intimated. Then I made enquiries at the Cosmopolitan Club and I was told my hon. Friend, Mr. Muniswami Nayudu, reserved a room on that day and I was under the impression that they would be arriving on that day and that we should meet on that day. But as neither Mr. M. G. Patnaik nor Mr. Muniswami Nayudu arrived, it was not possible to convene a conference on that day. Therefore, it seems to me that it is unfair on the part of Mr. Sami Venkatachalam Chetti to take me to task for newspaper reports which have not been authorized by me.

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" Sir, at that conference on the 13th, when we were talking about general questions, Mr. Muniswami Nayudu's opinion was that if there was substantial agreement on ten points out of twelve, it would be desirable that the tenants' representatives should drop the other points for the present. Of course, the view of Mr. Sami Venkatachalam Chetti was that, unless there was agreement on the other two points, he would proceed with the Bill. Subsequently, on the 22nd, when I met Mr. Ramadas Pantulu, his opinion was that agreed amendments should be pressed through the Council and every party was to be at liberty to move any amendments it pleased. I felt, Sir, that to proceed on those lines would mean that there would be no finality in the matter. There was no object in the conference if there was to be no agreement on the main proposals on which legislation was to proceed. No useful purpose will be served by the conference if afterwards each party is to press its own amendments.

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a.m.

" As regards the many statements that have been made pointing out that the official Bill is detrimental to the interests of the tenants, I wish to say a few words. Yesterday my hon. Friend, Mr. Sami Venkatachalam Chetti, spoke at length and read the report of the Select Committee after which he condemned the Government and the hon. the Revenue Member for making various alterations which are detrimental to the interests of the tenants. Hon. Members are no doubt aware that the introduction of the official Bill was accepted unanimously by the House and it was referred to a Select Committee representing all the parties in the House. I should think, if the Select Committee has made any changes in the Bill, the responsibility should lie on all the Members constituting the Select Committee and, if the hon. the Revenue Member has agreed to any alterations, it should be considered that he has done so in deference to the view of the majority in the Committee. From some speeches made yesterday, I take it that it is the view of some hon. Members that the report of the Select Committee which was prepared by a Committee representing the House should be repudiated. If any changes are made, Sir, in a unanimous report of the Select Committee except of course for the minute of dissent of the hon. the Leader of the Opposition, I think the responsibility lies on all the Members of the Select Committee. And for these changes unfair and unjustifiable attacks have been made on the Government.

" Mr. Sami Venkatachalam Chetti has also specified certain points in which in his opinion the interests of the ryots have not been taken into consideration. In other words, the changes made in these directions are detrimental to the interests of the tenants and he has quoted certain instances such as the exclusion of inam villages and the new proviso introduced with regard to Dharmila inams, lankas and so on. As regards any changes which the House considers are against the interests of the tenants, I am sure all sections of this House will agree to delete them. Now, Sir, Mr. Sami Venkatachalam Chetti has also mentioned certain points where the law has been tightened for the speedy recovery of dues. On the one hand, landholders are asked to agree

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to many changes which are no doubt detrimental to their interests and I have already appealed and I also appeal to them now that they, the landholders, should be prepared to agree to concessions being shown to the tenants to the fullest extent possible without thereby crippling themselves. Therefore, I should state that there is no fear that it is the intention of the Government or any parties in this House to rush through this legislation and carry out any amendments detrimental to the interests of the tenants. But at the same time as landholders are asked to make sacrifice, it is also up to the Members of this House to see that the collection of their lawful dues is made as speedy and easy as possible.

“One of the main reasons put forward for postponing the consideration of the Select Committee's report is that a large number of amendments have been given notice of. But if hon. Members look through the amendments, it will be found that the majority of those amendments was given notice of in January last and that they have been merely renewed. If there is any idea that a large number of amendments on the agenda may cause confusion, it is up to the leaders of the parties to sit together and come to an understanding as to which of the amendments should be brought forward and which should be dropped. Because, Sir, on going through them I found that most of them were similar in nature and it will be possible to evolve a common formula in most cases. Therefore, I say that that does not by itself make out a case for the postponement of the consideration of the Select Committee's report.

“Mr. Sami Venkatachalam Chetti has taken objection to a statement which appeared in our Party paper, that the Bill is confiscatory. I venture to think, Sir, that the general impression created by the Bill is that it has been conceived in the interests of the tenants, but very few people are able to understand and calculate what exactly the effect of passing that measure into law would be on the landholders. As I have stated already, Sir, it is certainly the duty of the landholders to give all possible concessions to their tenants, but at the same time, they have also to see that they will be able to meet their obligations. Generally speaking, in my opinion, the cumulative effect of all the changes proposed in the non-official Bill would be to reduce the income of the zamindari estates by about 50 per cent. Some speakers have stated that the zamindari ryot should be placed on the same footing as the Government ryot. I have no objection to that principle, but they have to see that the landholders also have to exist. In Government areas no doubt the rates are low, but in the case of Government they have got the general Revenue Administration to collect their revenues. They have got their machinery like village officers to collect their revenues. Government do not strike a profit and loss account. Nor have they got any litigation charges; but in the case of the zamindars, before hon. Members press forward such motions, I do not think it is too much to expect that they will consider the actual effect of these provisions on the landholders. For example, in an estate like Bobbili

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where the land revenue proper is about Rs. 8 lakhs, my establishment charges, law charges, peshkash and land-cess come to about Rs. 4 lakhs. According to the provisions of the Bill—the remissions and the deletion of the provision for distraint and attachment of land without decree—the net result will be my resources will be reduced by 50 per cent and it will be impossible for me to collect the other 50 per cent.

“In this connexion, I should like to ask another question. Is it the intention of the supporters of this Bill to proceed with it without taking into consideration what its effect will be on the zamindars? Do they consider that they have to take into consideration only the interests of the tenants or also the interests of the landholders? If it is their idea that we should proceed with confiscatory legislation, I have nothing further to say; but I am sure that in this House the general opinion that will prevail will be against expropriation without compensation and there will be no support from all sides of the House to any legislation which in effect will be confiscatory in nature. Nor do I think there will be any support for any amendment which is calculated to injure the interests of the tenant.

“Mr. Sami Venkatachalam Chetti presumably has given notice of this Bill on behalf of the tenants. I should like to know which is the body that has authorized him to bring forward this measure and what is the amount of support behind this measure? Looking through the reports which have appeared in the press recently, I find, Sir, that one of the resolutions passed in East Godavari by a Ryots' Conference was to this effect:

‘This Conference is of opinion that there should be no intermediaries between the Government of the country and the actual tillers of the soil and that all rights now vested in such people as zamindars, shrotriyamdars, absentee landlords and inamdars who do not actually cultivate the land should be abolished by an Act of the Legislature.’

“If these Ryots' Conferences are admitted to represent the view-point of the ryots, then we have to take it that this is the view-point of the ryots. I have seen also some other reports in the press which go to show that the ryots' representatives or those who claim to be ryots' representatives do not want either the official Bill or the non-official Bill. I would therefore like to know from Mr. Venkatachalam Chetti, who waxed eloquent over the interests of the tenants, which body he represents, what is the following he has got in this respect, among the tenants' interests? I should also like to ask the Members of the Opposition, who have moved this dilatory motion, whether they consider that the amendments given notice of on behalf of my party do not represent a considerable advance in the interests of the tenants and whether they are not worth having. I do realize that it has not been possible to concede all the demands. But in matters like these, where two interests are concerned, both parties should meet half-way to come to a compromise. I am sure there will be no difference of opinion when I say as a compromise both parties should meet half-way and give up a portion of their demands. I fail to see the reasons for the opposition to the official Bill. The official Bill has now come from

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the Select Committee. That Bill has come to such a stage that the report of the Select Committee has to be considered by this House.

"In this connexion Mr. Venkatachalam Chetti has given some advice and warning to the members of my party; he has also made an appeal to the country. If I may be permitted to say so, I would like to state that by opposing the incorporation of the amendments given notice of on behalf of my party, the Members of the Opposition will be really preventing many benefits being conferred upon the tenants immediately. Of course it may be stated that they want to have a consolidating Bill in all respects. With the progress we have made and if unanimity is to be obtained on all points, it will take such a long time and it will not be possible to bring forward any measure during the lifetime of the present Council. I believe hon. Members have seen the amendments given notice of on behalf of my party and it will not be necessary to go into the details of the amendments at this stage. Of course, if it is the intention of this House to take advantage of the present economic depression, if it is the desire to set one class against another, then I have nothing further to say. I will only say this. This House, I am sure, will not support any provisions which appear to be confiscatory.

"I find a lacuna in all the speeches about the ryots and the grievances of the tenants. No proposals have been advanced to safeguard the actual interests of the cultivator.

"As regards other points, I would like to state that although no clause about remissions has been inserted in the Bill, there is a provision for reduction of rent with the fall in prices.

"I therefore consider, Sir, with a full sense of responsibility, that in my opinion the best interests of the tenants will be served by taking this opportunity of giving effect to as many changes as are reasonable. Taking into consideration the interests of both parties, I think the House should proceed with the consideration of the Select Committee Report. With these words I oppose the motion for the postponement of the consideration of the Bill now before the House."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"On a matter of personal explanation, Sir. On the 13th morning the hon. the Raja of Bobbili left a copy of the draft Bill which he proposed, at my room in the Cosmopolitan Club. We met at 6 o'clock. It was then represented to us that Mr. Ramadas Pantulu was not available and that it would take some time to meet and discuss the provisions of the Bill. I expressed my difficulty to stay here further; I said I would not come to Madras till the 29th when I expected to come for the Council meeting. I also said that such of the Members as were present at Madras, meaning thereby my Friends, Mr. Venkatachalam Chetti and Mr. Ramadas Pantulu, may meet from day to day and discuss the various provisions of the Bill and come to some understanding and, whatever understanding they came to, I would abide by them. It was understood then, Sir, that between the 13th and 22nd some progress should be made by the representatives meeting from day to day, spending a few hours they

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can spare, to come to some agreement, so that on the 22nd we could discuss and agree as to the resolutions. I was waiting to hear whether I would have to come here, whether any progress was made or not and whether any understanding had been arrived at or not. I was waiting for some kind of communication to be sent to me, after their meeting in the meanwhile, and making some progress in the consideration of the provisions of the Bill, so that I may know whether my presence was necessary. It may be a sad mistake either on my part or on the part of Raja Sahib to have misunderstood each other with regard to our programme. All the same what we understood was that the Bill should be discussed meanwhile and that some agreement should be come to. That was not done. He also said that a room had been reserved for me in the Cosmopolitan Club for the 22nd. That is not correct; I did not reserve any room for the 22nd. I do not know who gave him that information.

“ Whatever may be the excellent nature of the provisions which the hon. the Raja of Bobbili intends to make in the Bill on behalf of the tenants—of which we shall hear more when the Bill itself is discussed—my attitude towards the Bill is this: It is my opinion also that we should go on with the Bill, provided as a result of the Conference we could agree on substantial points. I realized then, as I realize now, that, in a matter between the landlord and the tenant, it would not be possible to agree on all points. I made it clear that, if some points which are material and fundamental were agreed to, it is worth while to go on with the Government Bill and consider the amendments that have been given notice of.”

* Diwan Bahadur A. APPADURAI PILLAI:—“ Mr. President, Sir, I would like to say a few words in opposing the motion of my hon. Friend, Mr. Sami Venkatachalam Chetti, to defer consideration of the Select Committee's Report and the amending Bill until his Bill reaches the same stage as the official Bill.

“ In the first place, the amending Bill is not a new measure. One can understand all this opposition if a new legislation is being undertaken. There is no such new legislation. What is laid before the House is a Bill to carry out certain amendments in an existing Act; amendments which were found necessary in actual administration. It pleases no one to introduce into an Act changes evoking criticism and comments. These amendments are aimed at removing some of the defects discovered during the actual working of the Act as a result of conflicting decisions of the High Court and of the Board of Revenue. These decisions have been based on facts presented to them from time to time.

“ Act I of 1908—it is a fact too well known to need repetition—is a troublesome Act. It is the most difficult Act to administer. That has been the experience of Revenue officials that had anything to do with the Act. The original Act was drafted on the model of the Bengal Tenancy Act, and of the Acts of the North-West Frontier Province, United Provinces and the Central

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Provinces. Naturally therefore we find considerable differences, difficulties and inconsistencies. Defects that have been discovered in the actual administration of the Act have got to be remedied. As I said, provisions have been borrowed from various other Acts and grafted on the indigenous plant of Act VIII of 1865. It has become necessary therefore to clear doubts and to correct inaccuracies.

"As the hon. the Raja of Bobbili has stated just now, the Bill has been before the House for a long time. After due consideration it was referred to a Select Committee. On this Committee there were responsible Members; they went into the provisions of the Bill carefully and presented it to the House in an acceptable form; they ask the House to go into the provisions of the Bill to see how far they can be accepted or turned down. At this stage to produce a counter Bill and to ask that that Bill be taken into consideration in preference to the Bill now before the House and submitted by the Select Committee, seems, I submit, anomalous. It means considerable discredit to the Select Committee.

"In supporting the motion, my hon. Friend, Mr. Venkatachalam Chetti, said that zamindars and landholders are mere farmers or ijaradars; that they are no better than collectors of toll. That is the most unkindest cut of all. My hon. Friend referred to the speech of Sir G. S. Forbes while introducing the Estates Land Act in support of his remark.

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"No doubt Sir George Stuart Forbes stated that zamindars were assignees of land revenue; he was a great statesman. There are very few who know the land revenue tenures of this country and this province in particular better than Sir George Stuart. He would have hesitated to make any statement regarding the landholders not consistent with facts. He said later on in the same connexion:

'I do not mention these facts with the view of derogating in any way from the dignity which justly attaches to the present representatives of these ancient families. Their ancient lineage if they discharge their duties and responsibilities faithfully will always assure them of a full measure of the respect and consideration of the Government and among the people and the social dignity which is their due.'

"Qualified by those words, Sir, I do not think that my hon. Friend, Mr. Venkatachalam Chetti, is justified in singling out that particular portion of his speech and throwing it on the teeth of the zamindars saying, 'You are no better than farmers of land revenue.' After all, Sir, the zamindar is as much necessary to the ryot as the ryot is to the zamindar; the one is dependent on the other. It is not true to say that, when the ryots are suffering, the zamindars will sit with folded hands, enjoying their position; nor is it true to say, on the other hand, that the ryots would like to benefit at the cost of the zamindars.

"My next point, Sir, is this: Mr. Sami Venkatachalam Chettiyar said that there is not a single provision in the Bill which is in favour of the ryots. That is a very large order, Sir, which cannot stand scrutiny for a moment. This Bill reached my hands only the other day, and a cursory glance at it will show to any impartial observer the

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meticulous care that has been taken by the Government to safeguard the interests of the ryot and also of the landholder. If I am not wasting the time of the House, I shall quote a few instances from the amending Bill, just to prove my position. I shall take first the explanation to section 6 of the present Act, on page 5 of the amending Bill. It says:

‘Every landholder who receives or recovers any payment under section 163 from any person unauthorisedly occupying ryoti land other than old waste shall be deemed to have thereby admitted such person into possession unless within two years from the date of receipt or recovery of payment or the first of such payments, if more than one, he shall file a suit in a civil court for ejectment against such person.’

‘This provision drives the landholder to file a suit before a civil court, a provision which is not found in the original Estates Land Act. The original provision simply says:

‘Every landholder who shall have received or recovered any payment under section 45 from any person . . . etc., shall file a suit before the Collector. . . .’

‘It will thus be seen that while provision has been made in section 45 for the ryot to secure possession, the landholder is made to have recourse to a more costly form of litigation, i.e., before a civil court: and this is done in order to safeguard the interests of the ryot.

‘We shall take another example, Sir. I am taking these examples at random: Section 12 as proposed to be amended is to the following effect:

‘Subject to any rights which by custom or by contract in writing executed by the ryot before the passing of this Act are reserved to the landholder, every occupancy ryot shall have the right to use, enjoy, cut down, carry away or otherwise dispose of all trees now in his holding, . . . etc.’

‘The words ‘carry away’ are not found in the existing Act; and the ryot had only the right to cut down and enjoy the trees. But difficulties cropped up afterwards as to whether ‘cutting down’ meant ‘carrying away,’ and therefore it has been found necessary to put in the words ‘carry away’ in the amending Bill. This may be a small matter but I merely mention this point in passing with a view to show that the ryot’s interests have been safeguarded.

‘Sections 20 and 21 of the Act gave power to the District Collector to divert communal lands to other purposes such as thrashing floors, cattle-stands, village-sites, etc. Very often it happened that the landholders took hold of the communal lands and deprived the ryots of their user. The Government have taken care now to see that these communal lands are diverted only for the benefit of the ryots. The amended clause says:

‘If such land or portion is not required for any communal purpose, that it be converted into Government ryotwari land or landholder’s ryoti land according as the reversionary rights in such land vest under the terms, express or implied, . . . etc.’

‘So, here too the ryot’s interests have been safeguarded. He is getting more land under the Bill than what he is enjoying now. Then again, section 23 says:

‘When in any suit or proceeding it becomes necessary to determine whether any land is old waste or ryoti land other than old waste or whether any land is the landholder’s private land, it shall be presumed to be ryoti land other than old waste or not to be private land until the contrary is proved.’

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“ Whom does this benefit? Does it benefit the landholder or the ryot? The natural presumption is that when it is not a landholder's land, it is ryoti land.

“ It is needless for me, Sir, to waste the time of the House by quoting facts and figures to show that in this amending Bill sufficient care has been taken to safeguard the interests of the ryot. It is really an one-sided statement, to say the least of it, to say that there is not a single line in the Bill which safeguards the interests of the ryot. I think Government should be congratulated on having held the scales even between the landlord and the ryot. A single reading through the Bill will convince everybody of this fact.”

Mr. BASHEER AHMED SAYEED:—“ May I rise to a point of order, Sir? The hon. Member has misquoted the provision that is contained in the Bill that is for consideration before the House. In the report of the Select Committee which is now to be considered, section 23 of the Act has undergone no change at all; and yet, that is being discussed by the hon. Member.”

* The hon. the PRESIDENT:—“ The hon. Member may wait for his chance to give the correct facts about the quotation that has been made by the hon. Member.”

Diwan Bahadur A. APPADURAI PILLAI:—“ It has also been stated, Sir, that a Bill of this dimension, consisting of a number of pages and containing 126 clauses will be very tiresome to the House and that therefore it should be postponed. But postponement is not the remedy; the better method is to take up and examine the amendments one by one. If this amending Bill is long, it is unfortunately due to the fact that the Act itself which it seeks to amend is long. The Act contains 215 sections and it is a long Act. In introducing the Bill in 1905, the hon. Mr. G. S. Forbes stated:

‘ If this Bill passes into law, it will be the first enactment on the statute book of this Presidency defining the substantive rights of landholders and ryots, and so affecting intimately the whole agricultural population under Your Excellency's administration to their lasting benefit.’

“ Well, Sir, the Act of 1908 is long, because attempts have been made to make it self-contained. In respect of ryotwari areas, there are separate Acts dealing with the several departments of administration. For instance, in the matter of survey, there is a separate Surveys and Boundaries Act, in regard to encroachments, there is the Land Encroachment Act; similarly, in regard to Irrigation there is the Irrigation-cess Act; in regard to forests there is the Madras Forest Act; but all these matters have been combined in the single Act applicable to Estates—I of 1908—in order to make it self-contained, it naturally became long. When an attempt is made to remove the difficulties that have been encountered in the administration of the Act, the amending Bill is naturally long. I think, Sir, that the sooner this Bill is considered, the better.

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"In saying this, Sir, I am not unmindful of the interests of the ryots. I hold no brief for the landholders nor am I unmindful of the rights and privileges of the ryots; I represent a constituency which consists mostly of ryotwari holders. So, it is to my interest, if I am to retain my place in this Council, to see to it that the interests of the ryots are safeguarded; but in doing so, I cannot also be unmindful of the interests of the landholders who maintain and in fact support the ryotwari pattadars.

"Before I conclude, Sir, I would like to draw the attention of the House to a remark made by that redoubtable champion of the landholder's cause the late Mr. Muthukumaraswami Mudaliyar. He stated:

'There is an assumption pervading the Bill all through that the interests of the zamindars and those of the tenants are antagonistic, that the zamindar is ever bent upon encroaching upon the rights of tenants and that unless the rights of the tenants are buttressed by all the safeguards which the legislature can devise, they will be annihilated by the insatiable ambition and cruel exactions of the zamindar. It is very much to be regretted that this feeling of distrust is unjustly entertained towards the zamindars as a class, leading to the gradual curtailment of their rights and privileges. So far as my experience goes, the ryot looks upon the zamindar as his patron and entertains a kind of traditional respect and reverence towards him, while the zamindar in his turn reciprocates this feeling by thousand and one acts of sympathy and goodwill which contribute to the prosperity and contentment of the tenant though the outside world may not have occasions to know them. I am sorry to observe that most of the provisions of this Bill are calculated to mar this harmony of feeling between the zamindar and the tenants and create a spirit of estrangement and distrust between them.'

"These words deserve to be framed: they have an added significance to-day. If there is a disturbance of that harmony and goodwill to-day at whose door shall we lay the charge? Sir, I leave this question unanswered. Asking for more time practically means delaying the measure further. There seems no harm in pushing this Bill through in the present meeting. What is the object of asking for more time? If the provisions of the amending Bill are not satisfactory, and do not satisfy the anticipations of the ryot, it is up to the persons who fight for the ryots' cause to raise their voice before the House and get those provisions suitably amended. We shall get on with this Bill now:

'One thing at a time and that done well,

Is a very good rule as many can tell'."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, the question now before the House is whether time should be granted for this Bill or not. That is the only question to be now considered, and so far as both the parties are concerned, they are now agreed that the Act should be amended and some measure should be adopted. There is no doubt about that. But the only question to be now decided is whether this Bill should be considered now on the spot as desired by the Ministerial party and the Government or a month or so hence, that is in January next, as desired by others. Now, Sir, when the Bill was adjourned in January last, we had no idea that the Council would be extended. If the Council had not been extended, probably the official Bill would not have been pressed at this stage. Whatever the reasons

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that guided our action then were we need not go into them now. We do not want to criminate or incriminate people about these matters. We need not wash all that dirty linen here. We may leave all these things out of consideration altogether. Now, there is no doubt that we do want to proceed with the Bill, but whether the Government will be prepared to accept the adjournment of the Bill till January next is the question. Whatever may be the merits or the demerits of the official Bill, I must say that except for the fact that the hon. the Raja of Bobbili came forward with certain proposals which are to some extent favourable to the ryots, the official Bill is most unfavourable and most revolutionary. I am going to show how it is revolutionary. I never expected that the successor in office of the hon. Mr. G. S. Forbes would have accepted provisions so revolutionary and so reactionary. The present Bill is reactionary in two ways. (A voice: 'What about Mr. Muniswami Nayudu and Mr. Subbarayan?') I may say as to that, the position of Mr. Muniswami Nayudu was very awkward at the time. He did not represent the ryots at that time. He was the leader of a party dominated by zamindars and he could not put forward the view of the ryots, the people he represents. Though he was the official leader of the party, he was really led by the zamindars. So far as Dr. Subbarayan is concerned, he is a zamindar. That is the first thing. The second thing is he is now the Leader of the Opposition, and he is probably more democratic than other zamindars. So he is also in an awkward position. Therefore we cannot accept their personal views as the views of the whole party which they lead, the whole body of the ryots. In the first instance I may say this. Certain fundamental principles were hitherto accepted as underlying the Madras Estates Land Act. I am sorry to find that in the amendments adopted by the Select Committee those fundamental principles have been violated, firstly in adopting the ruling of the Privy Council and secondly in refusing to follow the ruling of the High Court. In both ways the fundamental principles have been violated. I am more sorry for that than for anything else. If fundamental principles are not violated and if there be any departure as to details, that can be set right. But the violation of the fundamental principles is a very serious thing, and if that is not corrected now, we will be giving sanction to the very thing which was condemned by Mr. Forbes in 1908, and it may do away with the rights not only of the ryots in estates but also the ryots in ryotwari tracts. The first fundamental principle is that the Government is only entitled to the melvaram, that is the right to collect revenue. The proprietor of the soil is the person who cultivates it. The ryot is the proprietor and he holds the land subject to the payment of a certain assessment to the Government. The zamindar and inamdars are only assignees of Government revenue and this Mr. Forbes established with very much emphasis in his speech introducing the Bill of 1908. He followed 20 Madras, 299 and also 23 Madras, 318, the rulings of Mr. Justice Subrahmanya Ayyar. Now we find the Privy Council have ruled that the Crown is the proprietor of the soil and

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everybody derives authority from the Crown, and whatever might have been given to him, the ryot has to prove that he has occupancy right. This ruling is laid down in 41 Madras, 1012. This Privy Council case is very very reactionary and it does away with all the fundamental principles on which the Estates Land Act rests. If we once accept that the Crown is the proprietor of the soil, then you cannot find any place for the Madras Estates Land Act at all. In the case reported in A.I.R., 1929 Madras, 617, a Letters Patent Appeal, it was stated that the High Court is not going to recognize that the ryot is the owner with the zamindar. The decision laid down in 20 Madras was not accepted in 1929 Madras by Justice Wallace and other Judges. That shows that the foundation of this Act of 1908 was cut away by that Privy Council ruling in 41 Madras. So, gradually we find that that decision is departed from; that is, the very foundation is gone. Therefore unless this legislature takes care to re-establish that position and overrules, so to speak, the decisions of the Privy Council, great injury will be done not only to the zamindari ryots but also to the ryots holding lands in ryotwari tracts.

"Now, Sir, as regards the position of the zamindars very much has been said already, and I shall just refer to a few facts regarding that from Mr. Forbes' speech. Now when the legal position between the ryot and the landlord was not very clear previously, this Act was passed. Mr. Forbes in his speech introducing the old Bill of 1908 said:

'During the years that had passed since 1802, the inferior Civil Courts in the mufassal had been construing Regulation XXV of 1802 as if it had been an enactment bearing on the English law of landlord and tenant, nor was it unreasonable to expect that these inferior tribunals should construe terms of English law as if they possessed the same connotation as in that law. The Court of Sadr Adalat for themselves, however, repudiated so narrow an interpretation and in advising the Government in 1818 on the measures which should be taken to save the ryots from the destruction which menaced their rights wrote thus: "the magical words, as Colonel Wilks has termed them, of the permanent sanad were being made to convey to the zamindars a power which was not exercised on the part of the Government itself and to overturn individual rights which existed before the commutation of the public revenue for a fixed payment in money by the zamindars." The Sadr Adalat at the same time pointed out to the Government that the highest authorities acquiesced in the opinion that a proprietary right in the soil vested in the people by whom it is ordinarily cultivated.'

"This, Sir, is what is laid down. I may read the last sentence again:

'The Sadr Adalat at the same time pointed out to the Government that the highest authorities acquiesced in the opinion that a proprietary right in the soil vested in the people by whom it is ordinarily cultivated.'

"That was the position established by Mr. Forbes in his speech.

He goes on to say:

'A careful consideration of the enactments which I have referred to will make it evident that the whole course of legislation was inconsistent with any theory which would regard the ryot as a tenant, or his payment to the zamindar as rent or that there existed between them the relation of landlord and tenant as known to the English law. On the contrary, it firmly sustains the view formulated in 1799 that the cultivating ryots—and no distinction is made between one class and another—have a right of occupancy so long as they cultivate to the extent of their usual means and give to the proprietor (i.e., the zamindar) whether in money or in kind, the accustomed portion of the produce.'

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"Now, so much with regard to the position of the ryot, Sir. I shall just refer to an extract from the fifth report. It is this:

"It appeared to the Committee of Circuit from the best information they could obtain that in numberless instances lands of considerable extent were enjoyed by individuals on the tenures above described (namely, inam tenures) and entered either in the village or district register as such, which had been conveyed without sufficient authority, perhaps granted by an inamdar, a zamindar or a temporary renter, or not granted at all but obtained through the collusion of the agents employed in making the collections or the registers either at the price of a bribe or as a mark of favour to their friends."

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"This is with regard to the inams. Now, with regard to the zamindars this is what is stated about the Northern Circars; the hill zamindars consisted of three classes; first, the Velmas of Telinga origin, who were driven from the Carnatic in the year 1652, by the Muhammadan arms, and who established themselves on the borders of the Kistna. Second, the Rachewars, of the race of the ancient sovereigns of Orissa, who were also compelled by the Muhammadans to relinquish the plains of circars and retired to the highland woods, that formed their western frontier. Their possessions are principally situated to the north of the Godavari. Third, the Wooriors being petty chieftains of the military tribe, who after the overthrow of the Empire of Orissa by the Muhammadans, were unable from their local situation to acquire an independent jurisdiction. Their possessions are chiefly situated in the highlands in the northern division of Chicacole. The zamindars in the plains could boast of no higher extraction than being descended from the officers and revenue agents of the sovereigns of Orissa, who were employed by the Mussalman conquerors in the management of their new acquisitions, and who appear to have first acquired lands and influence after the conquest of Aurangzeb and during the distracted administration of his children. The hill zamindars, who were descended from the Rajas of the kingdom of Orissa and who were entrusted with the protection of a district from the incursions of robbers and wild beasts and with the suppression of internal commotions, were on account of the difficulty of keeping them in strict subjection allowed by the Mussalman conquerors, to retain their former habits and to enjoy the Government share of the produce from their mountainous but fertile lands on condition of paying a tribute and the performance of the duties of protection above mentioned, which they had been accustomed to discharge. But the zamindars, in general, whom it does not appear could be made to submit to the Muhammadan authority, were never acknowledged by their rulers as independent or tributary chiefs or even as having any property in the land."

MR. T. SUNDARA RAO NAYUDU:—"On a point of order, Mr. President. Are all these arguments relating to the history of the zamindars relevant to the question of postponement of the Bill?"

* The hon. the PRESIDENT:—"I am just trying to find out the relevancy of the speech. However interesting ancient history of the zamindars might be, it is necessary that the hon. Member must confine himself to the motion before the House."

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* Sriman M. G. PATNAIK Mahasayo:—"First of all, I started with the observation that the Official Bill has violated the most important principle of the zamindars and the ryots and I am showing what the legal position of the zamindars and the ryots is. I am also pointing out that this Bill should not be introduced. Of course, other speakers also talked about this, but my Friend, Mr. Sundara Rao Nayudu, did not consider it necessary to object then.

"On the contrary, it would seem from the process which the Mussalman Government observed, when capable of vigour, in realizing the revenues of the districts, as well as the constitutional checks established through every part of them that zamindaris were offices of trust and that the possessors of them were accountable managers and collectors and not lords and proprietors of the lands, that the money they paid to Government, instead of being in the nature of a tribute or mere acknowledgment of subjection or fealty was no other than a Jumma or revenue annually calculated upon the produce of the several zamindaris, that as a check upon the conduct of the zamindars, there were officers appointed by the State, to keep an account of the cultivation and produce, and whose duty it was to furnish the foudjar or governor of the country at the proper season, with accounts and statements of its produce, who thereupon formed the jamabandi or revenue settlement of the year, which was variable in its amount and in general proportionate to the estimated value of the harvest."

* The hon. the PRESIDENT:—"May I once again draw the attention of the hon. Member to the necessity of his being relevant to the issue? If he wants to state the policy that was in existence in olden days and compare it with the present policy, he can simply state it. His reading of long extracts is likely to weary the House."

* Sriman M. G. PATNAIK Mahasayo:—"A few lines more, Sir. If they do not wish to hear, I cannot help it. The duty of the zamindar, as declared in his sanad of appointment, was to superintend that portion of country committed to his charge, to do justice to the ryots or peasants, to furnish them with the necessary advances for cultivation and to collect the rent of Government and as a compensation for the discharge of this duty, he enjoyed, as did the zamindars of Bengal, certain allotments of land rent free, termed *saverum*, which were conveniently dispersed through the district, so as to make his presence necessary everywhere in order to give the greater effect to his superintendence. He was also entitled to receive certain *russooms* or fees on the crops and other perquisites drawn from the *sayer* or customs and from the quit-rents of houses. These personal or official lands and perquisites amounted altogether to about 10 per cent on the collections he made in his district or zamindari. The office itself was to be traced, as far back as the time of the Hindu Rajas. It originally went by the name of *choudri*, which was changed by the Muhammadans for that of *corrie* in consequence of an arrangement by which the land was so divided among the collectors, that each had the charge of a portion of country

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yielding about a crore of dams or two and a half lakhs of rupees. It was not until a late period of the Muhammadan Government that the term *crore* was superseded by that of zamindar, which literally signifying a possessor of land gave a colour to that misconception of their tenure, which assigned to them an hereditary right to the soil. It accordingly appears that in the year 1791 on the establishment of European agency in the management of the Northern Circars the zamindaris were described by the Presidency of Fort St. George as lands held by certain Rajas or Chiefs, as their hereditary estates paying a certain tribute to the Government and being subject to suit and service, in a manner very similar to the ancient feudal tenures. From this it is clear that the zamindars were mere collectors of revenue. Subsequently, about the Muhammadan period the Government called them zamindars. Before that, they were called *chowdaris*. The permanent settlement or sanad granted generally conferred on them no right to the soil. If that was so, the Government also were only entitled to collect some revenue as I have stated. But the Privy Council ruling has stated that even the inam granted by a zamindar also carries with it the kudivaram right and therefore the inamdar is entitled to both the varams. In the report of the Select Committee of 1908, in sub-clause 2 (2) (a), it is said that they had included temporarily settled estates. We have omitted the specification of shrotriyam as it is included under the general term 'inam' and we have made it clear that the inams with which the Bill is concerned as 'estates' are those in which the grant is of the land revenue alone. This will ordinarily exclude what are known as 'minor inams.' But the language of section 3 (2) (d), is not happily worded. The sub-section is silent as to the rights or power of the grantee. The Madras High Court in a series of cases consistently with the spirit of the Act laid down that the burden of proof lay upon the inamdars to show that kudivaram also was included in the grant. The sub-section literally interpreted would lend itself to the construction that it is immaterial who the grantor was and whether he had the right to convey what he purports to convey under the terms of the grant and that if the grant on its face shows that the kudivaram was also intended to be conveyed then the village so granted in inam cannot be an estate. In other words, is it or is it not necessary to try the issue whether the grantor had the power to convey both varams in a suit when the question arises whether a particular inam village is an estate or not within the meaning of the sub-section? In none of the Privy Council decisions the question is directly answered. In 1929 Privy Council, 115, the Privy Council held that the grant did not convey both the varams but conveyed only the melvaram. Supposing in that case the grant meant to convey both the varams but the grantor a Desh Pandya was not entitled to convey the kudivaram, what would be the decision of the Court? It is not easy to answer the question. The Desh Pandya being an officer had no right to convey even the land revenue. But if the grant conveying the melvaram is valid, there is no reason why this grant of both the varams of the grant purported to do so

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should be held to be invalid. So, the Privy Council in effect has decided that the wording of the grant is a decisive factor and the competence of the grantor to make the grant is immaterial. Such a view would be tenable only on the assumption that Government which confirmed or recognized the grant is the owner of the soil. A principal's ratification cannot extend beyond the right of the principal. Such a construction would never have been meant by the legislature. There can be no doubt that the ruling in 20 Madras, 299 applies to inams also. Inamdars and zamindars and Government stand on the same footing in relation to the cultivator who holds his land subject to payment of the *rajabhogam* and is entitled to an independent and permanent right of occupancy indefeasible by any act on the part of the Government so long as he pays the *rajabhogam* or dues of government. According to the rulings of the Privy Council zamindars could grant the soil before the permanent settlement but after the permanent settlement any grant made by them would convey only the land revenue though the rights of zamindars both before and after the permanent are held by the Privy Council to be the same.

"The recent Privy Council rulings have introduced the anomaly. 1 p.m.
The intention of the legislature as has been shown is defeated by the recent rulings of the Privy Council. The amendment of section 3 (2) (d) which appeared in the original Bill introduced by the hon. the Revenue Member was received with great satisfaction. The amendment ran as follows:

'any inam village of which the grant was made or confirmed by the British Government.'

"This amendment would have re-established the principles embodied in the Madras Estates Land Act. It set at rest the conflict of judicial opinion. It relieved both the inamdar and the cultivator from ruinous litigation which is the necessary consequence of cases being decided on findings of facts almost impossible to establish owing to non-availability of the original grants and owing to the attempts of both parties to prove their case by evidence both oral and documentary sometimes false and fabricated. Parties as well as subordinate courts are perplexed as to the correct interpretation of the rulings of the Privy Council. The unanimous decision of the Full Bench in 44 Madras, 588 regarding the effect of 41 Madras, 1012 (P.C.) and 43 Madras, 166 (P.C.) as to the burden of proof was held erroneous in 45 Madras, 586 (P.C.), 43 M.L.J., 640 (P.C.)

"In 49 M.L.J., 602—1926 Madras, 136 Phillips, J. tried to reconcile the Privy Council rulings in 45 Madras, 586 and 47 Madras, 337. But his decision was overruled in 1929 Madras, 617 in Letters Patent Appeal preferred against 49 M.L.J., 602 by Wallace and Odgers, JJ. Wallace observed as follows:

'Phillips, J. was inclined to hold that if this is a correct inference Naina Pillai v. Ramanathan Chetti (47 Madras, 337) is in conflict with the previous ruling of the Privy Council in Sivaprakasa Pandara Sannidhi v. Veeramma Reddi (45 Madras, 586). It must be admitted that there is a difficulty in reconciling the two decisions which appear if we may say so with respect, to speak also with diverse voices on the question whether occupancy right can be obtained

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by adverse possession and prescription. But . . . 47 Madras, 337 is the latest decision and is binding on us and we cannot refuse to follow where it leads. 1929 Madras, 617 was decided on 11th February 1929 and on 14th February 1929 the Privy Council decided the case in 1929 Privy Council, 115 in which 45 Madras, 586 was followed. If 1929 Privy Council, 115 had been reported earlier and could have been brought to the notice of the Judges when they decided 1929 Madras, 617 one cannot say how the case reported in 1929 Madras, 617 would have been decided.'

'The divergence of opinion as to the interpretation of grants when available or as to findings regarding the terms of grants on the evidence on record tends to speculation and to growth of litigation. For instance, in 38 Madras, 608 which went up on appeal to Privy Council in 41 Madras, 1012, the district judge expressed his inability to conclude from the evidence that both varams were granted in the first instance. The High Court observed:

'We do not think that the grant is so expressed as to leave no doubt that the intention of the donor was to deal with the rights in the soil.'

'Now, in the report of the Select Committee, the following observation is made:

'In the Bill as introduced, an important change was sought to be made in sub-clause (d) of clause (2) of section 3—definition of an inam estate—by the provision that every presettlement inam village shall be an estate. The onus of proof of occupancy right in such an estate has now become fairly settled by decisions of the highest courts and the amendment proposed had the effect of affecting such onus of proof. We consider that it is undesirable to make so important an alteration of the law in this respect and have therefore decided to retain the existing sub-clause (d). We have, however, deleted from that sub-clause the last words "or any separated part of such village" as the Policy of the Act is not to recognize anything less than a village as an estate.'

'The Select Committee deleted a portion of the sub-clause so as to make the definition consistent with the supposed policy of the Act. With due respect to the Committee, it may be stated at once that the Select Committee considered the question of amendment from a wrong view point. The Committee should have addressed themselves to the question whether the decisions referred to by them are consistent with the policy of the Act. They refer to the policy of the Act with reference to deletion of a part of the sub-clause but not with reference to the sub-clause as a whole. The principles underlying the Madras Estates Land Act are (1) that the cultivator is the peasant proprietor in whom the soil of the land vests; (2) that the cultivator has a permanent right of occupancy so long as he makes the customary payment to Government or their assignees, the zamindar or the inamdar, under the Hindu Common Law; (3) that according to the common law of India the Crown by virtue of its prerogative is entitled to collect revenue or tax on land and not rent in the English sense of the term; (4) that the cultivator is not a tenant in the English sense of the term and does not derive his title from the State which is only the owner of the melvaram as distinct from the kudivaram which vests in the cultivator who is therefore co-owner of land with the State; (5) that the inamdar or the zamindar is only an assignee of public revenue; and (6) that in essence there is no difference between ryots holding lands in a Government village, zamindari village or an inam village.

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“ So, the first quotation which I have read goes to show that the ruling of the Privy Council in 41 Madras holds that the State is easily the owner of the soil, which is accepted by the Committee, and on that ground it is held that section 3 (2) (d) should stand as interpreted by the Privy Council. This is fundamentally incorrect and opposed to the principle laid down in the Act. That principle is now accepted by retaining the present wording, in spite of the ruling of the Privy Council. The Select Committee has done a great disservice to the ryots by adopting practically the ruling of the Privy Council. As was done previously, the legislature should correct the rulings of the Privy Council and say that the State is only the owner of melvaram as was laid down in 29 Madras, 299 in Justice Subrahmanya Ayyar's judgment, which has practically overruled the Privy Council ruling and subsequent Madras rulings, and that judgment confirms the fundamental principle of the Madras Estates Land Act. Therefore, if the Council is to accept the opinion of the Select Committee, it will be doing a great injury to the interests of the ryots. That is my first point.

“ My second point is this. We know there is a great deal of economic depression in the country. Neither the Bill nor the Select Committee has done anything to relieve the ryots from their economic distress. If that is not done, I think this Act will be of no use whatsoever. We know that in the ryotwari tracts the assessment is comparatively very light. All the same, resolutions after resolutions are being passed that the assessment should be reduced. That being so, the estate ryots cannot appeal to this House or to the Government to reduce the rate of rent prevailing in the zamindari areas. That can be done only by an amending Act. Unfortunately, neither in the official Bill as originally introduced nor in the Bill as amended by the Select Committee, there is any provision by which relief can be given to the ryot when he is faced with keen economic distress. If that is not done, what is there in the Bill which will commend itself to the people? How is it useful to the ryots. As I have already pointed out, the rights of the cultivator are taken away by retaining clause 3 (2) (d) as it is and also by overruling practically the Full Bench ruling in 44 Madras. Mr. Sami Venkatachalam Chetti has already dealt with that question, and I do not want to deal with it in further detail. In the conference which the hon. the Raja of Bobbili held, some proposal was made and notice of an amendment was also given that relief should be given to the ryot in proportion to the fall in prices of produce. The question is whether such relief would be given by the zamindars and their party men. Can such an amendment be discussed here? Supposing somebody raises an objection, will that be in order? Some people doubt whether such an amendment would be in order. If such an amendment is not in order and if the zamindars realize that such an amendment to the Bill is necessary, what further proof is necessary to say that we should wait and that we should not proceed with the present Bill. We are all agreed that some minimum relief should be given to the ryots by reducing rent in proportion to the fall in prices.

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"Of course the zamindars themselves have come forward with amendments and, I think, if they are not ruled out of order, they can be accepted by the House and then there will be no need for postponement of the consideration of the Bill. But if those amendments are not in order and if they are going to be ruled out, postponement is very necessary. The amendment given notice of by the party men of the Raja of Bobbili are favourable to the ryots and if they too are ruled out, postponement will be very necessary. Therefore unless the zamindars are quite sure that their amendments will be in order, they should not oppose this motion.

"Sir, the hon. the Raja of Bobbili said that there has been no objection taken to the provisions of the Bill from the beginning. I take exception to that statement and would point out that from the very beginning there has been objection to the Bill on the part of the ryots and that objection is based on the ground that in the present Council there are not enough representatives of the ryots. At the time of the formation of the Select Committee, if I remember right, my hon. Friend, Mr. Muniswami Nayudu, suggested that more ryots' representatives should be there on the Committee and that Mr. Ramadas Pantulu should be co-opted to the Committee. That was not a new suggestion. In connexion with the consideration of the Marumakkattayam and other Bills concerning Malabar district alone, the Select Committees were composed of a pretty large number of Members and experts. At that time the Government never mentioned the question of retrenchment and allowed the inclusion in the Committees of as many persons as was considered necessary. It was only in connexion with the Estates Land Act Amendment Bill which concerns the affairs of so many districts that the Government thought it necessary on account of retrenchment to restrict the number of Members on the Select Committee. They objected to additional Members being appointed to the Select Committee and no expert was also appointed to the Committee. It is as a protest against this action that Mr. C. Satyanarayana Choudari gave notice of his Bill and Mr. Sami Venkatachalam Chetti subsequently took it up. So, from the beginning the ryots feared that the Government would take the side of the zamindars. Now, in view of the fact that the life of the Council has been extended, if we postpone the consideration of the Bill for carefully considering its provisions, nothing will be lost and the Bill can be taken up subsequently. Let us consider calmly how many of these amendments would be in order. Some of them are certainly in order and if the ryots are assured that some at least would not be ruled out by the President—of course, we cannot blame the President if he rules them out of order—postponement would not be necessary. That is the most important thing. For ascertaining this we must have some time. It must be remembered that negotiations were proceeding smoothly until the 13th of this month and it cannot be said that they were utterly unsuccessful. Therefore some good might result from negotiations. We must give time for that and surely if that is granted, a settlement can be come to and this Bill taken up in January.

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"It has been stated that the interests of the ryots are opposed to the interests of the zamindars. Everybody accepts it little realizing that, deeply considered, the interests of the zamindars are bound up with the interests of the ryots. For instance, if the rent payable by the ryots is increased unconscionably, they will leave the land to the zamindars and then who will cultivate the lands and give the zamindars the rents that they claim? The zamindars are not going to cultivate their lands, as it would not pay them to do so. Therefore I say that it is in the interests of the zamindars themselves to bring the rent within the means of the ryots; this may appear paradoxical, but it is the truth. If the zamindars cannot foresee this truth, there will be trouble. Of course, if the rent is reduced, there will be a fall in the income of the zamindars. But I appeal to them to see what their fathers and forefathers were doing. Were they spending as much money as they are now spending? The present day landholders have increased their expenditure to a large extent and it is for them to cut it down to enable the ryots also to live. The ryots cannot be going on paying at the rate the zamindars now demand. It is desirable that the zamindars should not have their luxuries at the sacrifice of the ryots. They have not considered that point. Should they not allow their ryots to live? By all means, let the zamindars collect from their ryots as much as they can pay. If, on account of the inability of the ryots to pay more, the income of the zamindars is reduced, they must learn to cut down their luxuries and not collect the last pie from the ryots.

"Sir, the last speaker said that this was the most troublesome Act and that its provisions were favourable to the ryots. I maintain, on the other hand, that its provisions are more favourable to the zamindars than to the ryots."

* The hon. the PRESIDENT:—"The hon. Member must address the Chair."

* Sriman M. G. PATNAIK Mahasayo:—"It is therefore necessary to examine the amendments carefully to see whom they benefit and how many of them are in order. All this cannot be done without postponement. In this connexion I may also say that I am not satisfied with the Bill introduced by Mr. Sami Venkatachalam Chetti also. (Cries of 'Hear,' 'Hear,' from Ministerialist benches.) That is not also sufficiently comprehensive."

The House then adjourned for lunch.

After Lunch—(2-30 p.m.)

* The RAJA OF KHALIKOTE:—"Mr. President, Sir, if at this stage I participate in this debate, I do so to defend the class to which I have the honour to belong, and which I have the privilege of representing in this House. I have heard with great interest the thundering speeches that were made yesterday on the floor of this House, most of them more suitable to be delivered on the platform of an election meeting, than on the floor of this honourable and responsible House.

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My only apprehension is that, in view of the fact that the life of the Council has been extended by another year, with a possibility of even a further extension, most of these speeches would have been forgotten by the time the actual voting takes place, at the next general elections.

"Sir, it has been alleged that this is a landholders' Bill. I wish to repudiate this statement most emphatically. This may be anybody's Bill, but it is certainly not the landholders' Bill. The hon. the Revenue Member, while presenting the report of the Select Committee last January, said—

"When I introduced this Bill about a year ago, I set forth very briefly the history of the proceedings which had led to the drafting of this Bill, and I pointed out then that it

"only aims at removing certain difficulties, which have been found in the working of the existing Act. It does not aim at conferring any new rights or other powers upon either the zamindars or the ryots. It does not aim at placing any disability on either party; . . ."

and I expressed the hope that we would "have the co-operation of both parties concerned as well as of other Members of the House in producing a really good Bill which would improve the relations between the landlords and their tenants."

"I wish to examine how far this Bill tries to improve the relations between the landholder and his tenant. All waste land or what is known as old waste vested hitherto entirely in the landholder. I might quote here a paragraph from Volume III of Fifth Report on the affairs of the East India Company—paragraph 27 of Appendix XVIII, containing instructions to the Collectors regarding permanent settlement, etc., which reads thus—

"It is well known that in the Circars, there are very extensive tracts of uncultivated, arable, and waste lands, forming part of every zamindari. These are to be given up in perpetuity to the zamindars free of any additional assessment, with such encouragement to every proprietor to improve his estate to the utmost extent of his means, as is held out by the limitation of the public demand for ever, and the institution of regular judicial Courts to support him in all his just rights, whether against individuals or the officers of Government, who may attempt in any respect to encroach upon them. The advantages which may be expected to result, in the course of progressive improvement, from these lands, will, or ought to put the zamindar upon that respectable footing as to enable him with the greatest readiness to discharge the public demand, to secure to himself and family every necessary comfort, and to have besides, a surplus to answer any possible emergency."

"From this it is clear that all waste land should be given up in perpetuity to the zamindar and should be his personal property. In some of those waste lands, the zamindar had home-farms where improved methods of agriculture were taught to the ryots. Even now there are instances where the zamindars maintain well-equipped home-farms for the benefit of their ryots. Attempts have been made in the Bill to deprive this right of the landlord by classifying old waste as ryoti land. I really wonder how the landholders' representatives in the Select Committee agreed to such a violation of their vested rights.

"My hon. Friend, the Leader of the Opposition, has very clearly and briefly analysed in his minute of dissent the real position of the

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zamindars. I wish, with your permission, Mr. President, to read paragraph 5 of my hon. Friend's minute of dissent:

'Although the Estates Land Act contains provisions for the recovery of rent by distraint and by sale of the ryot's holding, those provisions are hedged in with so many restrictions that it is very difficult for the zamindar easily and cheaply to realize his rent, and the path of the purchaser is beset with so many obstacles that where a distrained property or a holding is sold it is not easy for him to obtain possession. One would have thought that a Bill to amend Estates Land Act would have taken into account the grievances of the zamindar in this respect and would have smoothened his path in realizing his arrears. Far from doing so, the Bill has only increased the obstacles.'

"All that the landholder wants is a speedy and cheap method of realizing his rents. If he does not meet his obligations to Government on the due date, the Collector will not hesitate for a moment to attach his private and personal property, and even go to the extent of selling up his estate—instances of this are not uncommon—but for the landholder to realize his dues from his tenants, ten thousand obstacles are placed in his way. Fairness and justice demand that he should similarly have the power to realize his rents promptly from his ryots.

"A very peculiar method is adopted in the Bill in the chapter regarding irrigation. If repairs are not carried out, the Collector may order a reduction of rent. If the Collector can reduce the rent as he pleases, I wonder why there should be this farce of survey, record of rights and settlement of rents so elaborately dealt with in Chapter XI. The Collector by a stroke of his pen can upset the whole thing that has been done under Chapter XI; and what appears queer to me is that the Collector, that is, the Revenue Divisional Officer, can upset rents fixed by his superior, the Board of Revenue.

"Another important provision which every landholder is anxious to amend, is that relating to land which he may purchase for a fair and equitable price in Court sale in discharge of his debt. As soon as a tenant is put into such land he automatically gains occupancy right and the landholder cannot do anything over such lands in such cases. The landholder should have the ordinary right that any private person has over his lands. All these restrictions prevent the landholder from applying himself more effectively to the promotion of agriculture, however much he may be anxious to do so. The sections regarding these matters therefore require considerable amendment. There are several other defects in the Bill which I do not want to discuss at this late stage of the debate, but which I hope will be rectified by the Council.

"Sir, my hon. Friend, Sir Patro, said yesterday that we are here entirely in a different atmosphere. I agree with him. If any hon. Member will come to the zamindari areas of the Northern Circars, he will find that generally the feelings between the landholder and tenants are cordial. The tenant loves and respects his landholder and this is generally the case in almost every zamindari in the north. I must admit that I do not know the conditions in the south. I think the last speaker yesterday laid great stress on the question of restoring harmony and creating better relations between the landholder and the

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ryot. He also went to the extent of stating that the 1908 Act raised a big crop of litigation and that this Bill, if it is passed into law, will yet create a further crop of litigation. I entirely agree with him in this view. There is only one class of people that is going to be particularly benefited by this Bill and, that is the vakil class. The Bill, as far as I can judge it, will neither benefit the landholder nor the ryot, but will certainly benefit the vakils, and their numbers will increase.

"Sir, whatever may be the consequences of this Bill there is one potent evil that has been undermining the cordial relationship that hitherto existed between the landholder and his tenants. Self-interested agitators with motives of personal aggrandizement are vigorously at work preaching disharmony, disaffection and even lawlessness to the zamindari tenants.

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"I know of instances where meetings of ryots are held to preach these things to them and to promote these evils large contributions are taken from the unfortunate ryots for which no accounts are produced. A wonderful picture of heaven is depicted to the ignorant ryot as to how he can evade payment of his rent to the landlord and be happy and contented in his village. They are also advised to cut away the reserved forest of the zamindar and do several other lawless things. As a return for this advice the so-called leaders ask for contributions from the ryots to do what they call propaganda work for the good of the ryot whose welfare they pretend to have at heart. Such persons are not really concerned with the welfare of the ryot but are only anxious to fill their own pockets. But the ignorant ryot does not see through this but on the other hand thinks that these so-called leaders have come to save him and pays any subscription that is demanded. In my district a regular scale of subscriptions has been fixed—so much for a big village and so much for a small village—which the poor ryots are made to pay. I do not know the conditions in the southern zamindars, but from the experience I have gained of my own estates and from what I know of some of the estates in the Northern Circars I can boldly say that this sort of preaching is going on by interested persons. Talking of my district this experiment was perhaps first started years ago in my own estate. At that time a large number of my unfortunate tenants were under the evil influences of these so-called leaders. As time passed on, they soon began to realize the folly and the evil effects of this preaching and most of my people now have nothing to do with such champions of the ryots' cause. The leaders also have, as a result, wisely decided to leave my estates and concentrate their activities in other estates. Therefore, whatever may be the consequences of this Bill or any other Bill that may be passed, as long as this evil influence continues, there is bound to be disharmony between the landlords and the tenants.

"Coming now to this Bill, I am for pushing through this measure in the hope that the hardships that the landholders are now labouring under will be remedied by the Council. The Bill has been before the

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public for quite a long time and further postponement will mean further trouble and complications. It will also give a scope to interested agitators to knock off more money from the unfortunate ryot who is considerably worried with the economic depression. I would therefore vote in favour of the motion that the Bill be taken into consideration. Of course, if hon. Members want a little time to study the amendments and to come to some better understanding, I have no objection if this business is adjourned for three or four days."

* Rao Bahadur A. T. PANNIRSELVAM:—"While wholeheartedly endorsing the appeal made yesterday by the hon. Member for the City that in considering this question hon. Members of this House should not treat it as a party question, that they should not sacrifice the interests of their constituents at the altar of party-loyalty—and speaking for myself if I felt that the interests of my constituents were going to suffer by reason of my loyalty to the party, at least in this measure I should place the interests of my constituents first and foremost—it is purely from the point of view of my constituents that I propose to say a few words. And before I proceed further, I may also state that I should unreservedly have offered my congratulations to the very learned and able advocacy which the hon. Member for the City put forward on behalf of what he thought to be the interests of the tenants, but for the acrimony which unfortunately he allowed to creep into his speech; because I believe that this is a measure which raises a controversy of such a far-reaching importance, it would be absolutely essential that we should keep out all acrimony as far as possible and that we should approach all the questions involved with good will, sympathy and a desire to come to an amicable settlement. After all we have to realize that this is an endeavour on the part of us on behalf of the tenants to wrest, to the extent that is possible, the powers which the landlords are trying to reserve in their hands. Mr. Patnaick this morning delivered to us a very elaborate discourse as to the origin of the zamins and the position of the zamindars. I, for one, am not interested in this history. I am concerned with the present state of things and I wish hon. Members of this House to look at facts as they are. There is the fact that zamindars claim and do possess certain rights and privileges. How they came by them, whether legitimately or merely by force of power or by fortuitous circumstance, seems to me to be beside the issue. The rights which they possess perforce mean an invasion of the rights of the ryots, of what is legitimately due to them. It is our duty as far as possible to wrest them from unwilling hands or to get them as concessions from willing landholders for the sake of the tenants. Keeping these facts in view I wish to remind myself and also hon. Members of this House about the history of this legislation which has been given to us in a very crisp form by the hon. the Revenue Member in introducing the Bill. The measure of 1908 the moment it was passed caused dissatisfaction to everybody concerned. The tenants were not satisfied, the zamindars were not satisfied and what is more, the officials who administered the Act found it a most unsatisfactory piece of legislation. An amending Bill was

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immediately considered necessary even as far back as 1913, i.e., 20 years ago. The Government thought of introducing a Bill and in fact did introduce it. Since then for the last 20 years hon. Members of this House and hon. Members of the predecessor of this House have been cogitating as to how best they could bring forth a consolidated Bill which would settle once and for all the disputes which have been arising off and on between the zamindars and the tenants. For the last 20 years the Legislative Council has been approached from time to time and at last, after 19 years—well nigh 20 years ago—in January 1932 this Bill was introduced and with the unanimous support of the Council was referred to a Select Committee. The Select Committee has sent it to us with an almost unanimous report and if in January 1933, that is to say after twelve months when it was originally introduced, this Bill was not taken up for consideration it was due to the fact that some people hoped that by an understanding between parties it would be possible for them to come to an agreement on most of the vexed questions. There have been recriminations between Members of this House as to why such an agreement was not reached. There have been accusations and counter-accusations—things which as far as I am concerned—and I am sure as far as most of the Members of this House are concerned—are of no interest. We are concerned only with the result. The result is that they have not been able to come to an agreement. We are now in this position: after waiting for 20 years a Bill was introduced on which nearly 20 months' labour was spent and as a result of that labour we have now before us the report of the Select Committee; and in spite of what the hon. Member for the City said about its being reactionary, its being derogative of the rights of the tenants, I cannot bring myself to believe that the Bill is not an advance from the point of view of the tenants. I do not say, very much of an advance, I do not say that I should rest contented with the progress which has been made on behalf of the tenants; but I feel that keeping this as a basis, even in this House, even during this meeting, it should be possible with suitable amendments, notices of which have been given by Members on this side of the House—Members who represent, in spite of any cynical references which might have been made to their representative character—the zamin, the labour and the tenants—to improve the present Bill with a view to meet the claims of the tenants. What I say and pray for from this House is let us not allow ourselves once again to be persuaded into accepting this motion for adjournment which might mean another undeterminate prolongation of these 20 years. Let us accept this Bill as the basis, let us move amendments to it and try to improve it and thereby advance the interests of the tenants, because I feel that that would be perfectly in keeping with the principles of my party. I am not a mere idealist. Although I aim at a particular thing I do not believe in taking that thing and that thing alone, and refusing anything that might fall short of it. Here is an advantage which is within our grasp and however unsatisfactory it may be from

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our point of view, let us grasp it. Let us secure it on behalf of the 3 p.m.
tenants and let us take our stand on it and pursue the battle further
if it is to be a battle between the zamindars and the ryots. When
I say zamindar, landholder, may I make mention of one fact which
has become clearer and clearer that talking of zamindars, talking of
landholders, we are never able to put out of our minds the handful of
zamindars who sit here and whose income may be counted in six
figures. We forget for the moment that there are other people not so
well placed, not so very fortunate as the zamindars in this House whose
rights also you are invading. We know, at least I know in my part
of the province that old zamindaris have broken up, that zamin villages
have passed into the hands of other people, that zamin rights have
been split up into tens and hundreds and there are several cases at
least where the owner of the property to which the Estates Land Act
applies is a comparatively poor man. And we must not forget the fact
that in trying to wrest the powers from the hands of the zamindars,
we are cutting at the root of probably the means of livelihood of
hundreds and thousands of persons. They might be in a position to
style themselves as landholders within the meaning of the Estates Land
Act, but they are by no means the proverbial zamindars or the pro-
verbial rajas whom alone we think of.

“ There is just one other point to which I wish to refer and I shall
close with it. Mr. Sami Venkatachalam Chetti was trying somewhat
to place us in an embarrassing position, those of us who come from
Tanjore and Trichinopoly, by saying that if we do not accept his pro-
posal, we shall have no voice before the Government in the matter of
having a remission of tax on our ryotwari lands. But at the same time
and in the same breath, he said that the position of the zamindari ryots
was about four or five times worse than the position of the ryotwari
tenants. May I just point out to him, Sir, that if he says that the
right to remission should be the ultimate aim and goal of the
zamindari ryots, I should be at one with him. But if he says
that the right should be clutched at now and immediately, and
failing that he would have no other intermediate relief, then, I
am afraid, I cannot agree with him, because I might point out
to him the very common statement that when you take a leap, let it
be a moderate leap, when you want to gain an end let it be something
within your possible reach, when you want to jump over across the
channel always measure the breadth of the channel lest you should go
into it. What is the position of my hon. Friend? He wants that the
zamindari tenants who are ten times worse off than the Government
ryotwari tenants should now and immediately take a leap which will
place them immediately in a better position than the ryotwari tenants.
Because I must inform my hon. Friend for the City that to-day the
ryots of the Government ryotwari tracts have no right as such to
remission. If we had that right, well, Tanjore ryots are shrewd
enough not to come to the Legislative Council and waste their breath
here; they would have sought their remedy in the proper court for
enforcing their rights. It is only because we, ryots in the Government

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tracts, have no right to remission that we are petitioning the Legislative Council time and again, approaching the Government with deputations and with requests and flooding the Legislative Council Members with manifestos and memoranda on our present position. We have not got that right. I do not therefore deny that it might be the ultimate aim of the zamindari ryot as well to have a statutory claim for remission, but I was only reminding my friend that it was unsafe to leap before you look ahead, that it was unsafe to attempt a thing beyond your strength, it was unsafe to give up a possible immediate benefit for the ultimate probability of having a greater benefit. I am content to proceed step by step. Speaking for myself, I think that I should be consulting the best interests of my tenants if I secure immediately and now what little advantage I can for them, what little improvement I can give them from their present position. I am not prepared to forego this right on the off-chance of Mr. Sami Venkatachalam Chetti's Bill passing through all the stages. Hon. Members of this House might remember, Sir, the very suggestive statement made by the hon. Member for Chittoor and that was this: Why should the Government Bill be given a better chance than Mr. Sami Venkatachalam Chetti's Bill? Let them go together. Let them run a parallel race. If Mr. Sami Venkatachalam Chetti's Bill will pass through this Council during the ordinary lifetime of the Council, well and good, let the Government Bill also pass through the Council. If Mr. Sami Venkatachalam Chetti's Bill cannot pass, let the Government Bill also be dropped. Sir, that is an argument which I am not able to accept. Because there is the possibility of not reaching this ultimate goal, I am not prepared to give up the certainty of the benefit which might accrue to the tenant under the present Bill. Therefore it is, that I would appeal to my hon. Friend, Mr. Sami Venkatachalam Chetti, or repeat the appeal he made to us: Let no question of prestige or pique come in. Sir, in spite of the protests which he made to the effect that he was not trying to win for himself the honour of having piloted the Bill, I was inclined to think that he was protesting once too often about it. Let me appeal to him: let no question of pique enter; let no question of party loyalty enter. Let us think of the interests of the tenants. I at least represent some tenants, but the hon. Member for the City of Madras does not represent any in this House. I do not question his right to speak on behalf of anybody, but I may say he does not represent the zamindari ryots in this House by the move which he wants us to adopt. Let us secure to them what little we can and let us not put off that possibility on the off-chance of procuring more."

* Dr. P. SUBBARAYAN:—"Mr. President, before I go into the main resolution for adjournment, I should like to make a personal appeal to you and that is this. We are in a minority in this House—the Opposition—and we feel at a disadvantage in dealing with this measure because the amendments were thrown at us only a day before the Council met. As a matter of fact, I got my copy only on Sunday evening. (Some hon. Members: On Monday morning.) Some hon. Members got their

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copies on Monday morning only and therefore we feel a certain amount of difficulty in dealing with the amendments on their merits. In view of this I made a personal appeal to the hon. the Revenue Member to adjourn the consideration of this measure till the next meeting of the Council. From the way he looked at it, to begin with, I at least got the impression that he was rather inclined to agree to this request, but the hon. Gentleman had to consult other hon. Gentlemen, the Leader of the House and the hon. the Chief Minister of the Government. And evidently these two eminent gentlemen felt that it would not be right for them to postpone the measure. Why, pray? Because, Mr. President, they are really afraid that Mr. Sami Venkatachalam Chetti's Bill, if introduced into this House, if non-official days are given and if that measure comes up, they are afraid that there will be a clamour for the reference of that Bill to a Select Committee and if that Bill is referred to a Select Committee there is the further danger that the Government measure might be stopped. My friend, the Member for Chittoor, made a reasonable offer yesterday and that was this: he found while sitting in the Select Committee over the Government Bill that even though there were fundamental differences between the view-point of the ryot and that of the landholder, it was easy to come to an agreement across the table of the Select Committee and therefore he demanded that the same facilities might be afforded to the Bill of my hon. Friend, the Member for the City. Sir, I think I am not going far wrong if I make this personal request to you, Mr. President, as the custodian of the rights of the House, that we, who are in a minority, should be given the facility to consider the various amendments that have been newly introduced by the party in power. I will leave it at that.

“ Mr. President, a considerable amount of play has been made on the floor of the House of the dissenting minute which I had the honour to append to the report of the Select Committee of this House. I want to state that I have not moved a single inch from the opinion I have expressed there. I have the peculiar misfortune or fortune of representing the South Central Landholders and naturally, as their representative, on a measure like this, I am bound to safeguard the interests of the South Central Landholders. It is my primary duty because I feel there are other people in this House who represent the tenants, who are in the peculiar position of representing the tenants' point of view. If I appended that minute, I did it with the full responsibility that I possess and I have not moved an inch from the view I took and it is in that way I opposed the introduction of this measure because, as my hon. Friend, the Member for the City, read out the first portion of my dissenting minute—I am quoting it from memory and I believe it runs as follow—‘ I feel that the measure as it has emerged out of the Select Committee does not represent either the views of the landholder or the ryot, that the Bill is not wanted by either side and the Government.’ When I talk of the Government, I am to-day talking of the Reserved Half or the old ‘ mabap ’ Government, for, whatever they may talk of constitutional reforms or constitutional principles, the Reserved Half

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are not responsible to this House; they are responsible to the Parliament in England and therefore they are here as umpires bound to keep the ring (to use a boxing parlance)—they have to consider this fact and that is this. I appeal to the hon. the Revenue Member to consider that he is there neither as the representative of the landholder as I am situated in this House, nor as the representative of the tenants as the majority of the Members of this House are. He is there as an arbiter of the destinies of both parties. Placed as he is, I feel that he ought to take into consideration not the mere will or desire of a particular party in this House but the *summum bonum* or the high interests of the classes who are interested in this measure. As he himself said during the course of his speech, there are contradictory views held by both sides. The landlords as a class feel that their rights are being taken away and I shall refer here to what my hon. Friend, the Raja of Kallikote, has said. He made what I should call a very able speech on behalf of the landholder. I have always felt from the days when we were at school together that Kallikote had in him the making of a fine man. I am glad that has been realized. Whenever he speaks in this House, I am glad he is heard with respect and he puts his points in a manner that nobody can say that he leaves either acrimony or any kind of distaste behind when he has finished his speech.

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“As I have said, there are these different view-points; they are not easily reconcilable by the Government Bill. The hon. Gentleman, the Chief Minister, feels that with all the amendments given notice of by the Members of his party, the Bill is going to be an improvement in the interest of the ryots. But the people, who claim to represent the ryots in this House, feel it does nothing of the kind; on the other hand it makes the fetters round the ryots more strong than it is to-day. There are these conflicting views and the Government who are the arbiters of the destinies of these two classes are responsible to see that sufficient time is given to the representatives of the landlords and of the ryots to come to an agreement. The hon. Gentleman, the Revenue Member, said when he asked the permission of this House not to proceed with this measure last January, that he felt that there was going to be an agreement because the hon. Gentleman, the Chief Minister, had intended to call a conference of both parties. I would like to ask this question of him, Mr. President. Is it not the duty of the Government who are the arbiters of the destinies of both the ryots and the landholders to have called this conference, because no agreement could be come to when two opposite view-points meet together unless there is an umpire. If Sir Archibald Campbell had chosen to sit on this unofficial committee, I am sure he would have helped in the achievement of the agreement which he talked of, which is not possible if only the representatives of the landlords and the ryots meet each other. I think that is the sentiment that lies behind the objection made by my hon. Friend from Chittoor and my hon. Friend from the City. They feel that, if a Select Committee is constituted and we refer to it both the measure of the Government and the Bill of my hon. Friend, the Member for the City,

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they may come to an agreement which may not satisfy all parties; at least there would be a feeling left in the minds of hon. Members that a real effort at compromise had been made and that the maximum amount of compromise has been effected by this method. It is that I want the hon. Member in charge of this Bill to do, Mr. President. I hope he would not think that we are doing this in the method of obstruction, because I think that there is a feeling in him left after the proceedings of the last two days in this House, that we on this side of the House are practising methods of obstruction. The Irish parallel, Mr. President, is well known. Mr. President, you, I am sure, will admit yourself that if the minority is placed in such a situation that it is not able to carry its view-points, it is one of the elementary rights in Parliament that the minority should try and put any obstacle it can in the way of the passage of this measure. As Mr. Gladstone once tersely put it, it is the duty of the minority to tire the majority, and is there anything wrong in trying to attempt this method of tiring the majority and if the majority is so strong as not to get tired, they naturally have their way. But for a minority I do not think there is anything wrong to practise the method of obstruction. But of course when obstruction becomes of such a nature as was practised in the House of Commons by the Irish Members, other measures would be found to get rid of this obstruction. But as long as we have this right, I am sure hon. Members opposite will realize that we are doing what we think is right in the light of the opinions we hold.

“ Mr. President, the hon. Gentleman, the Chief Minister, during the course of his speech said that Mr. Venkatachalam Chetti's Bill really amounts to confiscation and expropriation. I would like to point out one of the amendments which have been given notice of by hon. Members belonging to the hon. Gentleman's party, and that is the one with regard to inams. Under the present decision of the High Court and the Privy Council as it stands to-day, the inamdar is entitled not only to the melvaram but also the kudivaram. This amendment would have the effect, to use the words used by the hon. Gentleman himself, of really confiscating property. May I warn him that if this is the method that is going to be adopted, it is only the first step in the method of confiscation. As has already been read out by the hon. Gentleman during the course of his speech, there are the resolutions of the East Godavari District Zamindari Ryots' Conference in which they have said that they do not want a middle man between the Government and themselves. If you do this, you are really confiscating a property right which is in the inamdar and naturally there will be the conclusion that property rights may be taken away by a stroke of the pen of the Legislature. Therefore I may give this as a warning to my hon. Friends that it is very easy to play with property of other people when your own property rights are not concerned. But if you are going to deal in such a manner with the third man's property rights, your turn is bound to come next.

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"Then there is the question of ijardars which has also been put in by hon. Members on the other side. I do not think I need labour the argument that the effect of that amendment would be the same as the one in the case of inams. I hope my hon. Friends opposite who talk of expropriation would consider this point when the actual Bill comes up to be considered by this House.

"Mr. President, I have the fervent hope that either you or the hon. Gentleman, the Revenue Member, would consider the point of the shortness of notice that has been given to us. The hon. Gentleman, if he really desired that this Bill should be taken up for consideration now, may have given notice of it two months ago, because, as you yourself knew, Mr. President, every Member of this House knew when the Council adjourned last time the exact date and hour at which we were going to meet. The hon. Gentleman has taken us unawares. Why this hurry? There was nothing to apprise us that he was going to introduce this measure now. Is it because his Colleague, the hon. the Chief Minister, reported to him that the conference had proved infructuous; 'we are afraid of Mr. Venkatachalam Chetti's Bill; therefore you better thrust your measure in and let us get on with it.' I would like to remind the hon. Gentleman, the Revenue Member, of the old saying that it is much better to wait and see rather than to rush and regret. I would also like to appeal to my hon. Friends, the landlords in this House, not to rush in haste and repent at leisure."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, my hon. Friend, Mr. Sami Venkatachalam Chetti, has made a special appeal to the representatives from Malabar that, having reaped the advantages of the Malabar Tenancy Act, they should not assume a selfish attitude towards the measure that is now before this hon. House. Knowing as I do that Samiji claims to be a nationalist, I am not prepared to say that when matters of great public importance come up for discussion, he would think more in terms of a Tamilian or an Andhra. Any way so far as we from Malabar are concerned, while we are expected to safeguard the special and peculiar problems of our district, we are also expected to do our very best when matters affecting the general welfare of the province come up for consideration. A special appeal has been made to my hon. Friend, Mr. Langley, too. I am aware that Mr. Langley can protect himself. But as representatives from Malabar know Mr. Langley more than any body else, may I say that Mr. Langley is not the gentleman to make a 'stage-managed' speech. My hon. Friend, Mr. Langley, always means what he says.

"That apart, we have now to consider how best we can be helpful and useful in bringing about better understanding and better relationship between the zamindars and their ryots. My hon. Friend, Mr. Patnaick, said that the amending Bill is a revolutionary measure. He even went so far as to say that Diwan Bahadur Muniswami Nayudu signed the report of the Select Committee on the Bill, because Diwan Bahadur Muniswami Nayudu was being then led by the zamindars. I am sure Mr. Muniswami Nayudu will exclaim 'Save me from my

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friends.' Diwan Bahadur Muniswami Nayudu and his followers, of whom one is our hon. Friend, Mr. Patnaick, are sitting in opposition ranks to-day as they would not be led by the zamindars.

"To resume, Sir, I feel—and I am speaking only for myself—that the sudden decision of the Government to proceed on with the amending Bill has allowed very little time to study the Bill in all its particulars. A number of amendments have also been given notice of by various hon. Members. Perhaps it would be said that if non-official Members do not mean business, the Government cannot wait indefinitely. But I would like the hon. the Revenue Member to remember that when on the 30th January 1933 he presented the report of the Select Committee, the occasion was availed of by him mainly to preach a sermon as to the relationship that ought to exist between the landholders and the tenants. Beyond the Sermon on the Mount, the hon. the Revenue Member neither indicated what would be the further stages of the Bill nor threw out any suggestion that would help to establish the relationship that he visualized. Again, when my hon. Friend, Mr. Sami Venkatachalam Chetti, asked for leave to introduce his amending Bill and there was a heated discussion, the Government Member was discreetly silent. Therefore I say that the sudden decision of the Government has not allowed sufficient time for a full study of the question. But if the parties to the controversy—they are the parties really to be consulted—decide that the Bill ought to be proceeded with, I for one would not do anything to thwart that decision, because the sooner something is done to smoothen the day-to-day relationship between the zamindars and the ryots, the better it would be for all concerned. Then I would only respectfully adopt the appeal of the hon. the Leader of the Opposition for a few days' time for a study of the Bill in the light of the many amendments. Meantime, let there be a conference of leaders to see how far there could be an agreement on fundamentals.

"Sir, we have heard a good deal about the conference that was held in the house of the hon. the Raja Sahib of Bobbili. The more I think about the conference, the more I feel that I am in the position of Sir Roger de Coverley. Much can be said on both sides. My hon. Friend, Diwan Bahadur Muniswami Nayudu, said that he felt that a conference convened by one party was not going to be a success. When leave for the introduction of his Bill was sought by my hon. Friend, Mr. Sami Venkatachalam Chetti, he took violent exception to the then attitude of the hon. the Raja of Bobbili and said: 'I am afraid there is something very doubtful and suspicious about the position of the party.' Yet these hon. Gentlemen attend the conference convened by the Raja and with the usual compliments and return of compliments they elect to work for an agreed solution, till one fine morning when we are again told that the conference has failed to achieve its purpose. The hon. Gentlemen who attended the conference merely as representatives chosen by the hon. the Raja of Bobbili have only to thank themselves for the position. However that be, this hon. House has a

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p.m.

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heavy responsibility in dealing with the amending Bill; and let me piously hope that, with the Government—whose responsibility in the matter is a heavier one—holding the scales even, the problem would be tackled without either side engendering bitterness and vindictiveness and results beneficial both to landholders and tenants would be achieved."

Mr. M. A. MUTHIAH CHETTIYAR:—"I beg to move that the question be now put."

* The hon. the PRESIDENT:—"I think the House will be anxious to hear the hon. the Revenue Member now."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am unable to accept either of the amendments which have been placed before the House. I think Mr. Arasu has moved an amendment to postpone the discussion of this Bill for a further six months. If I remember rightly, he tabled a similar amendment when my motion that the Bill be taken into consideration was on the Agenda of the House in last January. And it is now since that date, not merely six months but nine months. He now asks for six months more. It seems to me, Sir, that he has had more time than what he asked for then."

"One point which he made was that it was my intention then, that this Bill should never come before this House again. That, Sir, was not my intention. Had it been my intention, I should have withdrawn the Bill and not merely stopped with presenting it to the House. My intention in not moving that it be taken into consideration was to reserve the power of bringing forward the Bill at a later date. I do not think, Sir, that I need follow the hon. Members into the various arguments regarding the different provisions of the Bill, especially with reference to the question whether they are in favour of the tenant or in favour of the landlord. It seems to me that the Bill does not favour the one side or favour the other side too much. That in itself may be taken as some evidence that those who have been responsible for the present form of the Bill as it has emerged from the Select Committee have endeavoured to be fair and reasonable towards both parties."

"Again, Sir, a point was made by many hon. Members that this Bill has been sprung upon them and that they have not had time to consider the amendments. Sir, the Bill was presented to the House nine months ago, and most of the amendments which are now on the paper were put before the House at that time. They have been before the Members for nine months."

"My hon. Friend, the Leader of the Opposition, has asked a question why I did not say two months ago, that I was going to bring forward this Bill at this meeting. Well, at that time, the negotiations between the two parties were still going on, and it was not desirable to make any announcement which might have the effect of breaking off those negotiations or interfering with them in any way. And it was not until about a fortnight ago I think when we understood that agreement had

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been reached on certain points and that it was not likely that further agreement would be reached on the other points affecting my Bill, that the Government decided that my Bill should be proceeded with now. The announcement was made as soon as the Government arrived at a decision, and we made no secret of that decision.

"The Leader of the Opposition also asked why I did not call together a committee of both the parties and endeavour to assist in getting them to come to some agreed provisions. Sir, may I remind him and the Members of the House once again that in 1922, a committee of that kind was appointed which worked hard at the amendment of the Act and the result was a Bill. That Bill was placed again before another committee similarly constituted and presided over by the hon. Sir C. P. Ramaswami Ayyar, and the outcome of that Bill was the one I introduced in January last year. That Bill has again been considered by a Select Committee of the Members of this House representing both parties. Three times efforts have been made by committees containing representatives of both parties, presided over by a Member of Government, to reach some decision which might be accepted by all the parties; and yet we have not arrived at a full agreement. Why therefore should I endeavour to impose myself upon the representatives of the two parties who have said 'let us examine our differences and see what can be done?' I was in fact myself in doubt whether my help was needed; and if it was needed, that it would have been given, was, I think, realized by them; as a matter of fact during the last few days, I did say so—that I was quite prepared to help, if required—both to the Raja Sahib of Bobbili and also to Mr. Ramadas Pantulu with reference to one matter. I feel, therefore, Sir, that I was not guilty of any act of omission in allowing the two parties to come together without my assistance, as they wished to do so. I feel, Sir, as I have already stated, that the time has come when we should consolidate the position which has been reached by the work done during the last twenty years. When we have consolidated that position by passing this Bill, the question whether any further measures are necessary or desirable or can be brought forward in agreement with both parties will then have to be considered. I do not wish to prejudice the case either one way or the other at the present moment; but I do wish to impress upon hon. Members once again that we have had this Bill on the anvil for a very long time, that a very considerable amount of work and thought have been given to it by many eminent persons, and that it is most desirable that the Act which is admittedly defective in many respects should not be left unamended any longer in the directions in which this Bill, as amended by the Select Committee, proposes to amend it."

Mr. M. A. MUTHIAH CHETTIYAR:—"I move—

'that the question be now put'."

* The hon. the PRESIDENT:—"The question is that the question be now put."

The motion was put and carried.

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* The hon. the PRESIDENT:—"I will now put the amendments to the vote of the House. The question is—

'Add at the end of the hon. the Revenue Member's motion, the words "this day six months".'"

The motion was declared lost. Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

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| 1 Dr. P. Subbarayan. | 20 Mr. P. Peddiraju. |
| 2 Mr. K. R. Venkatarama Ayyar. | 21 " K. Singam Ayyangar. |
| 3 Rao Bahadur T. A. Ramalingam Chettiyar. | 22 Ahmed Miran Sahib Bahadur. |
| 4 Mr. T. C. Srinivasa Ayyangar. | 23 Diwan Bahadur B. Muniswami Nayudu. |
| 5 " Sami Venkatachalam Chetti. | 24 Mr. K. P. Raman Menon. |
| 6 " A. Pl. N. V. Nadimuthu Pillai. | 25 " M. S. Sreshta. |
| 7 " T. S. Ramaswami Ayyar. | 26 " P. V. Krishniah Choudary. |
| 8 " V. T. Arasu. | 27 Srikan M. G. Patnaik Mahasayo. |
| 9 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 28 Mr. C. Indrayya. |
| 10 B. Pocker Sahib Bahadur. | 29 " J. Kuppuswami Choudari. |
| 11 Rao Bahadur P. C. Muthu Chettiyar. | 30 " Mahboob Ali Baig. |
| 12 Rao Sahib A. S. Alagaannan Chettiyar. | 31 " G. R. Premayya. |
| 13 Mr. M. A. Manikkavelu Nayakar. | 32 " K. Pattabhiramayya. |
| 14 " Abdul Hameed Khan. | 33 Rai Sahib C. Kolanda Reddi. |
| 15 " Basheer Ahmed Sayeed. | 34 Rao Bahadur R. K. Venugopala Nayudu. |
| 16 " U. C. Subrahmanya Bhatt. | 35 Mr. C. R. Parthasarathi Ayyangar. |
| 17 " K. A. Nachiyappa Gounder. | 36 " A. Ranganatha Mudaliyar. |
| 18 The Pattagar of Palayakottai. | 37 Rao Bahadur T. M. Narayanaswami Pillai. |
| 19 Mr. K. S. Sivasubrahmanya Ayyar. | |

Noes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 24 Rao Bahadur R. Srinivasan. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 25 Rao Sahib V. I. Muniswami Pillai. |
| 3 " Sir Archibald Campbell. | 26 Mr. P. C. Moses. |
| 4 " Mr. H. G. Stokes. | 27 " P. V. Rajagopala Pillai. |
| 5 " Diwan Bahadur S. Kuma-raswami Reddiyar. | 28 " V. G. Vasudeva Pillai. |
| 6 " Mr. P. T. Rajan. | 29 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 7 " the Raja of Bobbili. | 30 Mr. P. Bayappa Reddi. |
| 8 Mrs. K. Alamelumangathayaramma. | 31 " K. Ramachandra Padayachi. |
| 9 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 32 " G. Lakshmana Reddi. |
| 10 Rao Bahadur V. N. Viswanatha Rao. | 33 Rao Sahib V. Dharmalingam Pillai. |
| 11 Mr. J. A. Thorne. | 34 The Kumararaja of Venkatagiri. |
| 12 " H. M. Hood. | 35 The Raja of Khalikote. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 36 The Zamindar of Mirzapuram. |
| 14 Mr. R. Madanagopal Nayudu. | 37 Mr. M. A. Muthiah Chettiyar. |
| 15 " E. Conran Smith. | 38 " A. V. Bhanoji Rao. |
| 16 " T. Sundara Rao Nayudu. | 39 Diwan Bahadur A. M. M. Murn-gappa Chettiyar. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 40 Mr. K. M. Duraiswami Reddiyar. |
| 18 Mr. T. Narasa Reddi. | 41 " J. A. Davis. |
| 19 Rao Bahadur A. T. Pannirselvam. | 42 Swami A. S. Sahajanandam. |
| 20 Mr. K. C. M. Venkatachala Reddiyar. | 43 Mr. H. M. Jagannatham. |
| 21 " G. Ranganatha Mudaliyar. | 44 Rao Bahadur D. Krishnamurti. |
| 22 Rao Sahib N. Siva Raj. | 45 Rao Sahib P. Subrahmanya Chetti. |
| 23 Subadar-Major S. A. Nanjappa Bahadur. | 46 Mr. S. A. A. Annamalai Chettiyar. |
| | 47 Rao Sahib C. Jayaram Nayudu. |
| | 48 Diwan Bahadur A. Appadorai Pillai. |
| | 49 Rao Sahib Pandit Ganala Rama-murti. |
| | 50 Mr. K. Kesavaramamurti Nayudu. |
| | 51 S. M. K. Beyabani Sahib Bahadur. |

**A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, 221
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)**

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Noes—cont.

52 Mr. A. Ramakrishna Reddi.	59 Mr. F. Birley.
53 Rao Sahib D. V. Narasimhaswami.	60 „ W. O. Wright.
54 Rao Bahadur Sir A. P. Patro.	61 „ W. K. M. Langley.
55 „ C. Natesa Mudaliyar.	62 „ W. W. Ladden.
56 The Maharaja of Venkatagiri.	63 „ R. Foulkes.
57 Diwan Bahadur S. Ellappa Chetti- tiyar.	64 „ F. J. Stanes.
58 Mr. R. M. Palat.	65 „ G. Simhachalam Pantulu.

Neutral.

Khan Bahadur Mahmud Schammad Sahib Bahadur.

Ayes 37. Noes 65. Neutral 1.

The motion was lost.

* The hon. the PRESIDENT:—“ I will now put Mr. Sami Venkata-³⁻⁴⁵
chalam Chetti's amendment to the vote of the House. The question is—p.m.

*‘ that the consideration of the report of the Select Committee on
the Madras Estates Land Act (Amendment) Bill be deferred
until such time as my Bill (the motion for leave to introduce
which was adjourned for consideration to this meeting) reaches
the same stage as Sir Archibald Campbell's Bill.’ ”*

The motion was declared lost. A poll was demanded by Mr. Basheer
Ahmed Sayeed and the House divided thus:—

Ayes.

1 Dr. P. Subbarayan.	20 Mr. K. S. Sivasubrahmanya Ayyar.
2 Mr. K. R. Venkatarama Ayyar.	21 „ P. Peddiraju.
3 Rao Bahadur T. A. Ramalingam Chettiyyar.	22 „ K. Singam Ayyangar.
4 Mr. T. C. Srinivasa Ayyangar.	23 Ahmed Miran Sahib Bahadur.
5 „ Sami Venkatachalam Chetti.	24 Diwan Bahadur B. Muniswami Nayudu.
6 „ A. PL. N. V. Nadimuthu Pillai.	25 Mr. K. P. Raman Menon.
7 „ T. S. Ramaswami Ayyar.	26 „ M. S. Sreshta.
8 „ V. T. Arasu.	27 „ P. V. Krishnayya Choudari.
9 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.	28 Sriman M. G. Patnaik Mahasaya.
10 B. Pocker Sahib Bahadur.	29 Mr. J. Kuppuswami Choudari.
11 Rao Bahadur P. C. Muthu Chettiyyar.	30 „ Mahboob Ali Baig.
12 Rao Sahib A. S. Alagannan Chettiyyar.	31 „ G. R. Premayya.
13 Mr. M. A. Manikkavelu Nayakar.	32 „ K. Pattabhiramayya.
14 „ Abdul Hameed Khan.	33 Rai Sahib C. Kolanda Reddi.
15 „ Basheer Ahmed Sayeed.	34 Rao Bahadur R. K. Venugopala Nayudu.
16 „ U. C. Subrahmanya Bhatt.	35 Mr. C. R. Parthasarathi Ayyangar.
17 „ C. Indrayya.	36 „ A. Ranganatha Mudaliyar.
18 „ K. A. Nachiyappa Gounder.	37 Rao Bahadur T. M. Narayanaswami Pillai.
19 The Pattagar of Palayakottai.	

Noes.

1 The hon. Khan Bahadur Sir Maho- med Usman Sahib Bahadur.	6 The hon. Mr. P. T. Rajan.
2 „ Diwan Bahadur Sir M. Krishnan Nayar.	7 „ the Raja of Bobbili.
3 „ Sir Archibald Campbell.	8 Mrs. K. Alamelumangathayaramma.
4 „ Mr. H. G. Stokes.	9 Diwan Bahadur Sir Alladi Krishna- swami Ayyar.
5 „ Diwan Bahadur S. Kuma- raswami Reddiyar.	10 Rao Bahadur V. N. Viswanatha Rao.
	11 Mr. J. A. Thorne.

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Noes—cont.

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| 12 Mr. H. M. Hood. | 38 Mr. A. V. Bhanoji Rao. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 39 Diwan Bahadur A. M. M. Murgappa Chettiyar. |
| 14 Mr. R. Madanagopal Nayudu. | 40 Mr. K. M. Duraiswami Reddiyar. |
| 15 „ E. Conran Smith. | 41 „ J. A. Davis. |
| 16 „ T. Sundara Rao Nayudu. | 42 Swami A. S. Sahajanandam. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 43 Mr. H. M. Jagannatham. |
| 18 Mr. T. Narasa Reddi. | 44 Rao Bahadur D. Krishnamurti. |
| 19 Rao Bahadur A. T. Pannirselvam. | 45 Rao Sahib P. Subrahmanya Chetti. |
| 20 Mr. K. C. M. Venkatachala Reddiyar. | 46 Mr. S. A. A. Annamalai Chettiyar. |
| 21 „ G. Ranganatha Mudaliyar. | 47 Rao Sahib C. Jayaram Nayudu. |
| 22 Rao Sahib N. Siva Raj. | 48 Diwan Bahadur A. Appadorai Pillai. |
| 23 Subadar-Major S. A. Nanjappa Bahadur. | 49 Rao Sahib Pandit Ganala Ramamurti. |
| 24 Rao Bahadur R. Srinivasan. | 50 Mr. K. Kesavaramamurti Nayudu. |
| 25 Rao Sahib V. I. Muniswami Pillai. | 51 S. M. K. Beyabani Sahib Bahadur. |
| 26 Mr. P. C. Moses. | 52 Mr. A. Ramakrishna Reddi. |
| 27 „ P. V. Rajagopala Pillai. | 53 Rao Sahib D. V. Narasimhaswami. |
| 28 „ V. G. Vasudeva Pillai. | 54 Rao Bahadur Sir A. P. Patro. |
| 29 Khan Bahadur Yahya Ali Sahib Bahadur. | 55 „ C. Natesa Mudaliyar. |
| 30 Mr. P. Bayappa Reddi. | 56 The Maharaja of Venkatagiri. |
| 31 „ K. Ramachandra Padayachi. | 57 Diwan Bahadur S. Elappa Chettiyar. |
| 32 „ G. Lakshmana Reddi. | 58 Mr. R. M. Palat. |
| 33 Rao Sahib V. Dharmalingam Pillai. | 59 „ F. Birley. |
| 34 The Kumararaja of Venkatagiri. | 60 „ W. O. Wright. |
| 35 The Raja of Khalikote. | 61 „ W. K. M. Langley. |
| 36 The Zamindar of Mirzapuram. | 62 „ W. W. Ladden. |
| 37 Mr. M. A. Muthiah Chettiyar. | 63 „ R. Foulkes. |
| | 64 „ F. J. Stanes. |
| | 65 „ G. Simbachalam Pantulu |

Neutral.

Khan Bahadur Mahmud Schamnad Sahib Bahadur.

Ayes 37. Noes 65. Neutral 1.

The motion was lost.

* Mr. SAMI VENKATACHALAM CHETTI:—“Mr. President, Sir, I move—

‘that the Bill of Sir Archibald Campbell be recommitted to the Select Committee with instructions that the provisions of my Bill be also taken into consideration and incorporated into the Bill of Sir Archibald Campbell.’

“Sir, in speaking on this motion I desire to express my feeling that I am not entirely disappointed at the speeches made on the other side in reply to some of the points I have raised in the previous debate. A few truths emerged out of this debate which perhaps will not be disputed even by those who desire or have already made up their minds to oppose even this motion of mine. In the first place the hon. the Raja of Bobbili made a clear, candid and, as far as was possible, accurate statement of what actually took place at the conference called by him. But I could very well see a regular commotion in his brain to reconcile the very conflicting points of view which he has got to take into account as a zamindar, and as leader of a party. In these capacities he undertook to bring about some settlement between zamindars and ryots. On

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the one hand, he has got to satisfy the most tenacious and the most exacting zamindars of his fraternity. On the other hand, himself being an enlightened and reasonable zamindar, he has got also to yield to the clamour, the legitimate clamour, of the ryots. Thirdly, as one leading a party consisting of . . .”

* The hon. the PRESIDENT:—“I think the hon. Member will do well to make out a case for sending this Bill back to the Select Committee rather than attacking the Raja of Bobbili at this stage.”

* MR. SAMI VENKATACHALAM CHETTI:—“I am much obliged to you Sir, for having read out my thoughts. As a matter of fact, I was trying to do it. Sir, I was mentioning that a few truths have emerged out of the discussion which has so far gone on in this House which cannot be disputed by either side. One of the truths is that the conference was not agreed upon the points which have been handed over to the hon. the Revenue Member. Though the Raja of Bobbili clearly stated that they did not represent the agreed views of the zamindars and the ryots, it passes my comprehension why the hon. the Revenue Member should insist upon considering them to be agreed points.”

* The Hon. Sir ARCHIBALD CAMPBELL:—“I never said that I regarded them as agreed points.”

* MR. SAMI VENKATACHALAM CHETTI:—“I am glad, Sir, that he does not regard them as agreed points. And even according to the hon. the Raja of Bobbili, they are not agreed points. Therefore the hope with which the hon. the Revenue Member has refrained from pressing his motion for consideration of this Bill is not realized. Without the realization of that hope, where was the hurry, where was the necessity to proceed with the Bill now? Who gave the initiative to proceed with this Bill? If, as he claims, it is his intention that relations of amity and mutual goodwill should prevail between the zamindars and the ryots, having allowed the conference to come about in order to settle their differences, why should he either without the instance or pressure of the zamindars or the ryots proceed with this Bill? That is because the Government themselves are not in favour of any such conclusions being incorporated in their Bill. Now Sir, it is admitted by the hon. the Revenue Member that his Bill does not remedy the most important grievances of the ryots. He was concerned only with setting right some procedural irregularities or misunderstandings in the Bill. So far as that went, it was not my point to question whether the Bill satisfied that requirement of his. What I want to say in connexion with the claim of the hon. the Revenue Member that that Bill was intended to favour the ryots is that I tried to disprove that theory and I succeeded in making out that it did not favour the ryot any more than it favoured the zamindar. Therefore my opposition to that Bill is not on the merits. My opposition to that Bill is based on this fact. When there is another Bill in which are incorporated the more important provisions in favour of the ryot and when there is an opportunity for the Legislative Council

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to discuss them why stifle the progress of that Bill by putting in a Bill of minor importance which remedies the grievances neither of the ryots nor of the zamindars? Though the conference which was arranged at the instance of the hon. the Raja of Bobbili has not succeeded, there is every chance of Members of the Legislative Council representing all parties succeeding. And for that purpose a Select Committee is necessary, as a venue wherein the points of view of all interests might be put forward and some conclusion arrived at. Have we not had experience of several Bills that, while in the introductory stage differences of opinion were expressed, yet in the Select Committee when they sat in a more heart to heart talk atmosphere they agreed upon most points where they had showed differences of opinion at the earlier stages? Why should not opportunities be given for such a thing with regard to this Bill? I want hon. Members to consider dispassionately, when there are real grievances of the ryots to be considered at this stage, whether the Bill could not be safely put off for some time later. It is admitted on all sides that the rentals prevailing in the zamindari areas are more excessive and more tyrannical, and that the ryot is suffering from the tyranny of these exactions and requires immediate relief. As a matter of fact, it is even stated by the Raja of Bobbili that the rentals in zamindari areas are higher than those in the ryotwari areas.

4 p.m. "Now, is that not a grievance which requires immediate solution at the hands of this Legislative Council? It is complained every day that the rate of assessment even in regard to the ryotwari area is telling very very severely upon the meagre resources of the cultivator. While that is the case in the ryotwari area, does not the case of the zamindari tenant justify greater consideration at the hands of the Members of the Legislative Council? It is with a view to effectuate the consideration of some of these grievances, that I desire that the provisions of my Bill should be referred to the same Select Committee which considered the hon. the Revenue Member's Bill. I have tabled this motion to get over the technical difficulties with regard to the consideration of my Bill. Some people might feel hurt by my suggestion that some of the amendments tabled by the other party, the party in power, might be ruled out of order and that those who gave notice of those amendments are conscious of such contingency. I am willing to exonerate from the aspersion that I might have cast when I said that they were conscious of it and yet gave notice of it. Yet, I am positively certain that at one stage or another difficulties might arise, when the relevancy of some amendments will become the question of debate. Is it fair while we are trying to consider this matter that we should place the hon. the President in a delicate situation by being forced to give a ruling this way or that? It is impossible to consider the matter raised in my Bill along with the amendments to this Bill. I want the following points to be discussed. I want the decision of this Council with regard to the prevailing rents not being fair and equitable; there is no rational economic basis for rents; provision for commuting varams or

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rents—provisions are unsatisfactory—no provision for suspension of rent; rents being unequal in unsurveyed estates that has got to be rectified; and landlords' powers have got to be further circumscribed. There are other economic disabilities such as lack of provision for pasture, forest panchayat and the maintenance of irrigation works and provision for repairs of the same. More than all these things, a machinery has got to be devised to expedite the disposal of cases and to save the ryot from costly and wasteful expenditure in litigation. I daresay that with the best of intentions, it will be practically impossible to consider the amendments to this Bill, which are relevant to these grievances. In such a contingency, what is it the hon. Members belonging to the Justice Party intend doing? What their real intention would be, which I have to gather is, that they are not willing to consider these grievances at present, and one way of stifling those grievances will be to proceed with this Bill, and when my Bill comes up to say it was only recently that we have passed a Bill with regard to the Madras Estates Land Act and it will not be proper to proceed with another Bill at so narrow an interval of time. I am very sorry indeed if that is their intention and with that intention they want to block every motion that we intend moving. Several hon. Members who spoke on that side make us believe that we can possibly discuss all these things along with the other amendments of that Bill. If they are willing to believe let them take it from me that it will be practically impossible, in which case may I ask them to vote with me to allow these provisions to be referred to the Select Committee? After all, three hundred and odd amendments of which we have given notice and a few more amendments that may be coming from the Government side even without reference to the several grievances of the ryot will necessitate the consideration of this amendment in a cooler atmosphere, in a more real atmosphere in which party warfare that may be waged in open Council is absent and with a proper understanding of the implications of various sections with regard to the existing sections relating to the zamindar or the ryot. It has been a very sad experience of this Council to have rushed Bills of very important nature, though comparatively of minor importance than the one which we are now considering, and at a later stage move amendments of important character almost amounting to a fresh Bill being passed. It happened in a particular case that until the Governor tapped on the backs, the Government were not able to discover the mistakes that occurred in the Bill. The Governor had to recommit the Bill for consideration of this Council for the rectification of those errors. I want to avoid such a disaster in respect of the Estates Land Act. The hon. the Revenue Member attaches very great importance to this Act and everyone who attempts to understand this Act should share that view that it is really a very very important Bill, probably one of the most important statutes that we have on the Statute Book. Yet in respect of these the hon. the Revenue Member wants to push on and get through by mere display of number and mere exercise of his votes that he commands here at any

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moment. It is certainly very unfair. I do not think it is doing justice either to the zamindar or the ryots. Sir, my hon. Friend, Mr. Pannirselvam, first of all, began, Sir, by saying that there was some acrimony exhibited in my speech. Sir, if that be so, I must apologise not only to him but also to the House, because it was never my intention to introduce acrimony in the debate. As a matter of fact, I thought I started with an expression of humility, with an expression of great respect for the measure so that I might not fall easily at any rate into acrimony in a debate of this sort. At any rate, when I see the listless faces opposite to me though beaming with intelligence unable to speak their minds sometimes acrimony has to be put in. If so I should request them to excuse me for that and request not to give rise to the need for acrimony. He said that the ryotwari tenant has no claim for remission of rents, and much less the zamindari ryot. I am afraid he is quite wrong in both the conclusions. I do not grant whatever might be the argument of the Government that the ryotwari tenant has no claim for remission. I believe, Sir, in the very construction of the land revenue being either a tax or rent is implied the question of remission, suspension, or reduction. It is just to avoid coming into conflict with the interpretation of land revenue that the Government have been successfully avoiding legislation to regularize the revenue assessment in this Presidency though recommended to do so by the Joint Committee on the Montague-Chelmsford Reforms. As a matter of fact, hon. Mr. Forbes enjoys the same privileges as a ryotwari tenant and the zamindar ought not to be entitled to more than Government's share of the produce and Government have got a responsibility to see that he is not exploited by the person whom the Government has interposed between themselves and the tenant. If anybody were to hear the repetition of the hon. Mr. Forbes's speech, without his name being mentioned, I am sure hon. Members will consider that it has been made by the most revolutionary of persons. With regard to the zamindari ryots and with regard to Government responsibility, I do not think the most accredited representative of the tenants' interest will go farther than the hon. Mr. Forbes. Reference was made to the sanctity of the sanads given to the zamindars. I came across a very important sentence extracted from the cowl granted to the Jaipur Samasthanam. It is said, Sir, in the Jaipur cowl, and it is specially laid down that the zamindar is not to demand an unjust tax. He ought not to demand more than an adequate and just proportion from the produce of the soil according to immemorial and lawful practice. Sir, the cowl further says that the zamindar must encourage the inhabitants so that they may increase their cultivation as thereby, he might increase his own wealth as also the prosperity of the country. Having said that, the hon. Mr. Forbes also says that though the condition of the cowl was so specifically laid down, it happened in the Chokkalingam case, it was so administered that in respect of this specific condition an agreement for rents was taken from the ryots which were considerably more than the

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fair and equitable rent. Having regard to that, Mr. Forbes says that these agreements were taken from ryots who had no knowledge of their rights and responsibilities, from ryots who did not know that they need not pay more than the equitable rent, that they need not pay more than the ryotwari rent, and therefore the necessity for an Act to set right the injustice in Chokkalingam case. Those were the words Mr. Forbes used in respect of the Chokkalingam case. That shows how in the practical working there is a mysterious circle working. When we perhaps examine each sanad, it would be patent and I do not think the Government of the day was so improvident and oblivious as to give up the population and the peasantry into the hands of the people whom they know would be oppressive and who ought to be extracting oppressive rents if left unfettered.

“ So, when I said that the zamindars were no better or no worse than farmers of revenue, I was talking with all the authority and reservations made by the hon. Mr. Forbes. But, for practical illustration, I had to no doubt compare them thus, so that everybody might understand, that they are more or less on a par with toll-gate revenue farmers or big monopolist companies who take licences from Government for running electric or other public utility concerns. Sir, my hon. Friend, Sir Patro, for whom every Member of the House feels a great tolerance for the amusement he affords now and then to the House, has drawn particular attention to my comparing zamindars to toll-gate farmers, while forgetting the more respectable comparison I have given, namely, of the monopolistic companies taking licences from Government. I do not know what his real object was in emphasizing the prior comparison omitting the latter one. 4-15 p.m.

“ Then, Sir, my hon. Friend, the Raja of Bobbili, appealed to this House to take into consideration the difficulties of the zamindars also. Sir, I am not averse to taking them into consideration. As a matter of fact, I have been anxious to see that any difficulty or any grievance under which the zamindars are really suffering ought to be looked into by this House, as they would look into those grievances of the ryots, and be rectified. But he has not stated what their grievances were except that large sums of money are being spent on litigation. Sir, I entirely agree that large sums of money are spent on litigation. Why? You and I know, Sir, that when large sums of money are to be realized resort is made to litigation. Why does the tenant fail to pay the rent? Only when it becomes oppressive, when it becomes impossible for him to pay. Nations fail to pay their dues. Dynasties have gone for failing to pay reparations. It is in that way that arrears have accumulated, and therefore, naturally, they had to spend large sums of money for filing suits, for eviction of the tenant, or for the realization of rents, or for arguing a point which their learned advocate might put into their heads, taking their case from the small cause court or the munsif's court right up to the Privy Council.

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"Well, Sir, I happened to look into a manual concerning the Bobbili Estate compiled by the illustrious predecessor of our Chief Minister. I found that while the item against litigation was very high the amount spent for maintaining irrigation works was precious little. Sir, he was considered to be one of the most enlightened Rajas, and even now there are sections of people in the estate who consider him to be a model raja. Even in such an estate, the amount spent for maintenance of irrigation works was so inadequate according to that book.

"Now, Sir, the Government having agreed to allow large tracts of land to be administered, so far as land revenue is concerned, by these zamindars, it is their paramount duty to see that the economic condition of the people in those tracts is not seriously affected, so that they might have a chance to live like their neighbours in the ryotwari area. Sir, whatever might be the virtues or benefits we might have got from the zamindari administration and whatever might be the interest they are evincing on behalf of the ryot, one fact remains. My hon. Friend, the Raja of Kallikote, said that, barring a few agitators who were harping upon some so-called grievances, the relationship between the landlord and the tenant was so amicable that at least in his estate every ryot was anxiously waiting for an opportunity to hug the Raja to his bosom. Sir, one's impression is this. The zamindar may claim to possess well-fed and well-cared-for affectionate puppies, but I do not think there is one well-cared-for or one affectionate ryot in his area. The zamindar may claim to possess race horses of good breed and appearance, but he cannot claim one ryot who is saying with an erect head 'I am all right, I am quite prosperous in the zamindari area.' Sir, that is the condition of the zamindari tenants to-day. Who can continue to allow that state of affairs? Having regard to that state of affairs, is it fair for this Government to have handed over the economic destinies of large sections of people to zamindars, to be silent over the grievances of these people, and when the opportunity arises, they take no pains for redress of those grievances? I only want fair and equitable treatment. I only want that all those provisions in the Bill which I and the Kumara Raja of Venkatagiri have given notice of should be considered in a confidential manner in a Select Committee so as to arrive at any conclusions that the Select Committee might come to. The conference which the hon. the Raja of Bobbili hoped would fructify has failed. It is not too late even now for the hon. the Revenue Member to call to his table the representatives of zamindars and ryots, advise them to do this or that and consider each grievance put forward by both the zamindar and the ryot, and guide the deliberations of both the parties. I, for one, whether I have a claim to represent the zamindari ryot or not, am prepared, so far as my powers in the Legislature are concerned, to abide by any friendly advice or co-operation held out in the matter of redressing the grievances of the ryots. The hon. the Raja of Bobbili very naively suggested or rather questioned my credentials to deal with this matter. Sir, I do not know if every hon. Member should confine

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himself to the demands of the constituency by which he is elected, and, if so, he would have precious little to do here. But that is not the spirit of representation in the Legislature. If a particular Member is returned by a constituency, it is to facilitate the representation. It is only to set a geographical limit for facile canvassing of electors, and not with a view that a Member representing a particular constituency has no authority to represent the grievances or requirements of another constituency."

* The hon. the PRESIDENT:—"The House will be profited if the hon. Member reverts to the terms of his motion."

* MR. SAMI VENKATACHALAM CHETTI:—"Therefore, it is immaterial whether I represent the zamindar or the ryot, and it is just possible that if the zamindars' claims are just or appear to be just that I may be espousing their cause as well. So, there is no good trying to question the credentials of a person who wants to move a particular measure, unless it be to side-track the motion."

"Sir, I beg this House to give an opportunity to discuss these things in the atmosphere of a Select Committee. That is all my request, and I hope other hon. Members who are really sincere and anxious to do some good or benefit to the ryot should have no objection to this recommendation of mine at this stage. It is not a postponement of the discussion on the Bill. It is only facilitating the progress of this Bill so as to enable consideration of other points as well. I therefore move the motion."

* MR. V. T. ARASU:—"Mr. President, I rise to second the motion which has been so ably moved by my hon. Friend, Mr. Sami Venkatachalam Chetti. Speaker after speaker on the other side of the House has been complaining that the Bill of which Mr. Sami has given notice is confiscatory in nature. Sir, I submit that hon. Members who have made that remark have not studied the provisions of the Bill given notice of by Mr. Sami Venkatachalam Chetti. Sir, if you would carefully examine the provisions of that Bill, you would find that there is nothing of that nature at all. For the benefit of those hon. Members I shall read out some important clauses in the Bill, and leave it to them to judge for themselves whether it is a confiscatory measure. Hon. Members who made that statement have evidently made it with a view to misguiding this House into voting against the motion of my hon. Friend, Mr. Sami Venkatachalam Chetti."

"Sir, I will take the first amendment in that Bill. It says that the following words shall be added to section 1 of the Madras Estates Land Act of 1908: 'including the taluks of Nagur, Albaka and Cherla.' Sir, Nagur, Albaka and Cherla were transferred from the Central Provinces to the Province of Madras in 1909. But by virtue of section 2 of Regulation I of 1909, the operation of the Madras Estates Land Act in those areas was excluded. This clause will have the effect of abrogating that

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provision of Regulation I of 1909. See also section 61 of the Government of India Act and section 3 of the Scheduled Districts Act XIV of 1874.

"Then, let us take the amendment to section 3, where the following explanation is sought to be added: 'coconut trees and coconut gardens are fruit trees and fruit gardens within the meaning of this sub-clause.' What is the effect of that amendment? It only seeks to bring the law into conformity with certain decisions of the High Court. The decision in I.L.R., 50 Mad., 482 *per contra* is generally considered to be opposed to the prevailing notions in this province. It is to undo the effect of that decision that this explanation is added. Then, sub-clause (7) of the same clause 2 is sought to be omitted. The definition of 'old waste' in the Act was illogical and did not differentiate between ryot and non-ryoti varieties of it, though the later sections and the decisions of the High Court made such a distinction. (See I.L.R., 38 Mad., 738). Sub-clause (1) is unworkable in practice, for reliable evidence as to the mode of treatment of land before the passing of the Act will be difficult to obtain at this distance of time. Whatever reasons there might have been for such a clause in 1908, they do not exist to-day, twenty-five years after the Act."

* The hon. the PRESIDENT:—"If the hon. Member is going to comment upon every clause of Mr. Sami Venkatachalam Chetti's Bill, I must point out that it is not before the House at all."

* Mr. V. T. ARASU:—"The motion moved by Mr. Sami Venkatachalam Chetti is that this Bill be referred to the same Select Committee, so that it might consider the provisions of this Bill as well."

* The hon. the PRESIDENT:—"I will read for the hon. Member's information the motion moved by Mr. Sami Venkatachalam Chetti:—

'that the Bill of Sir Archibald Campbell be recommitted to the Select Committee with instructions that the provisions of my Bill be also taken into consideration and incorporated into the Bill of Sir Archibald Campbell.'

"It does not mean that Mr. Sami Venkatachalam Chetti's Bill should be taken into consideration."

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P.M.

* Mr. V. T. ARASU:—"Sir, I am only speaking on the provisions of Mr. Sami Venkatachalam Chetti's Bill. My object is to contradict the statement made by hon. Members of this House on the other side that the provisions of his Bill are confiscatory in nature. Sir, this House, composed as it is, mostly of laymen must be enabled to understand the implications of Mr. Sami's Bill. That can be done only by an explanation of some of its important provisions, the provisions which we want to be incorporated in the Government Bill."

* The hon. the PRESIDENT:—"I may tell the hon. Member once again that I cannot allow him to go on discussing and commenting on each section of Mr. Sami Venkatachalam Chetti's Bill."

* Mr. V. T. ARASU:—"I bow to your ruling, Sir. I will only refer to a few important ones."

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"Now, I will draw the attention of hon. Members to clause 4 of Mr. Sami Venkatachalam Chetti's Bill. That is one of the important clauses in it and I believe you will forgive me if I speak at some length on that clause. As I said, more than one hon. Member observed that the provisions of Mr. Sami Venkatachalam Chetti's Bill are confiscatory. I submit, and I hope the House will presently understand, that they are not at all confiscatory. Clause 4 has been added in order to bring the law in conformity with a decision of the Madras High Court—the decision of the Madras High Court cannot be confiscatory, I submit. In S.A. Nos. 691–694 of 1929 Waller and Pandalai, JJ. (unreported) to the effect that though remissions have been given in practice for 40 years, no such custom can be pleaded under the Act though it enabled the Collector to remit or suspend rent where any part of the country is affected by extraordinary calamity like floods or drought. Notwithstanding the fact that the granting of remission or suspension of rent in years of famine and failure of crops was a well-known customary incident of zamindari tenure, this decision did not recognize it. The Famine Commission and also the Decentralization Commission made definite recommendations in this behalf."

* The hon. the PRESIDENT:—"Order, order. I more than once pointed out to the hon. Member that it is not desirable on his part to persist in the way he has been doing. Once again I draw his attention to the fact that he has only promised to accept my advice but has not acted up to it."

* Mr. V. T. ARASU:—"I was only saying that this clause may be incorporated in the Bill by the Select Committee to which the other Bill will be referred. I was only emphasising the fact that clause 4 is not confiscatory in nature as it has behind it the rulings of the court and important Commissions appointed by the Government."

"Sir, the other provisions which the Government can profitably take into account during the Select Committee stage are contained in clause 7, section 12 of the Act. These relate to trees and tree pattas."

"I would draw the attention of hon. Members to clause 8. I ask whether it is confiscatory in nature. Then I would refer to clause 14 of the Bill of Mr. Sami Venkatachalam Chetti. I challenge any Member to come forward and say that this clause which I am going to read out just now is confiscatory in nature—

"To section 38 of the Act, add the following paragraph:—

"Notwithstanding anything contained in this section, when the collector finds that an irrigation work is in such a state of disrepair as to cause material diminution of the usual supply of water and consequently substantial failure of crops dependant on such supply results, he may direct remission of the whole or part of the rent payable on the land which is dependant on the irrigation work until such time as the irrigation work is completely repaired and the usual supply of water is restored."

"I ask whether this provision is confiscatory in nature. I pause for a reply . . . and I hear none! All that is wanted is that this provision should be incorporated in the Government Bill."

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"Next, I will take up clause 25 which says that the following shall be added as section 134-A. This clause as drafted by Mr. Sami Venkatachalam Chetti reads as follows and I want hon. Members of the House to listen to it carefully and say, if they dare to say, that this is confiscatory in nature:—

'Every landholder shall maintain the major and minor irrigation works in his estate in a state of good repair.'

Sir, I ask whether any landholder present in this House or elsewhere is prepared to come forward and say that the demand made by a ryot that the landholder should keep his irrigation works in a state of repair is confiscatory. If not, what is the meaning of hon. Members coming forward and saying that the Bill of Mr. Sami Venkatachalam Chetti is confiscatory in nature? Is it confiscation to say that it is the duty of the landholder to keep his irrigation sources in a state of repair?

"For illustrating my position, I have read out to this House some clauses from Mr. Sami Venkatachalam Chetti's Bill. I do not want to refer to any more clause in it for the simple reason that you, Sir, feel that it is not necessary. I would earnestly request and appeal to hon. Members of this House to read the Bill of Mr. Sami Venkatachalam Chetti carefully before they come forward and make the statement that it is confiscatory in nature and therefore should not be taken into consideration at all by this House. If they read it carefully and dispassionately, they cannot but come to the conclusion that I have come to, viz., that the Bill of Mr. Sami Venkatachalam Chetti is not at all confiscatory in nature and that it has only put forth the minimum demands of the ryots. Sir, it is therefore essential that the Government should come forward and accept the motion of Mr. Sami Venkatachalam Chetti and constitute a committee of this House to consider the Government Bill along with his Bill so that both of them may be considered together and the necessary changes inserted in the interests of both parties, viz., the landholders and the ryots.

"Sir, as I have always been saying, I am not one of those who feel that the zamindars as a class should be extinguished. I for one would never subscribe to such a proposition, and if I feel that Mr. Sami Venkatachalam Chetti's Bill is confiscatory in nature and seeks to put an end to the zamindars as a class, I would be the first person to enter my emphatic protest against it. But his Bill attempts at nothing of the kind. I have read it carefully and I do not think that it is in the least confiscatory in nature. It has, on the other hand, incorporated in it only the minimum that is demanded by the ryots, the zamin ryots in this Presidency. I am myself a zamindari ryot and I know the difficulties under which the zamindari ryots are suffering. Therefore, let not hon. Members on that side twit me by saying: 'What do you know of the zamin ryots? How can you represent their interests?' I am myself a zamindari ryot and therefore it is that I say that the position of the zamindari ryot is very pitiable. The ryots in Government areas can at least come forward and appeal to hon. Members of this House to bring to the notice of the Government their

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pitiable position. But what is the zamin ryot to do? Where is he to go to redress his grievances? What is the forum from where he can air his grievances? How is he to obtain relief? In times like the one we are passing through, when prices of paddy and every other food stuff and commercial crop have gone down by more than 50 per cent, how is the zamin ryot to pay his rent to the zamindar? To whom is he to complain that he is not in a position to pay the rent? At least the ryots in Government areas, can appeal to the Government through their representatives in this house to give some sort of remission in these times of distress; but where is the zamindari ryot to go? Which is the forum for him to go and ask for redress?

"It has been admitted by hon. Members of this House sitting on the other side that the rents prevailing in zamindari areas are very high. It is in some cases ten times the rent collected by Government from lands similarly situated. When that is admitted, I ask, is it not right and proper, is it not just and equitable that we should come forward and say that some provision ought to be made in this Bill by which the zamindari ryot can legitimately ask of the landlord to give some redress at such periods as the one that we are passing through?

"Sir, the hon. the Raja of Bobbili made the preposterous statement that if the Bill of Mr. Sami Venkatachalam Chetti is passed by this House into law, he would lose 50 per cent of his income. Let us for the sake of argument admit that it will be so. Does the hon. gentleman seriously suggest that he will not in that case fulfil his obligations to Government? If I remember aright the Bobbili Estate has got to pay a peshkash of about Rs. 84,000. Let hon. Members remember this fact. Admittedly the income from the estate is about 8 lakhs and the peshkash paid to Government is about one-tenth of the total income. The income from this estate at the time when it was settled could not have exceeded two or three lakhs. Mr. President, with an income of about three lakhs the ancestors of the present Raja of Bobbili, have not defaulted in their obligations to Government, and were also able to save for the present Raja several lakhs of rupees. When that is a fact, how can the Raja of Bobbili say that it will not be possible for him to meet his obligations to Government if his income is reduced by 50 per cent. Mr. President I am sorry to have made these references about the Bobbili Estate. But the Raja of Bobbili's speech this morning is the cause for such references.

"Sir, objection was taken to the statement made by Mr. Sami Venkatachalam Chetti that zamindars are no better than rent-collectors or tax gatherers. Sir, as was pointed by Mr. Sami Venkatachalam Chetti himself, that is not a statement made by him. That is a statement made by responsible Members of Government who were in charge of the administration of this Presidency in the days gone by. And those statements were not made at some unimportant gathering somewhere. Those were statements made on the floor of this House in the year 1908. I am

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referring to the statements made by the hon. gentlemen Mr. Forbes and Mr. Stokes in piloting the Estates Land Act of 1903.

4-45 P.m. "That is an incontrovertible fact of history; when that is so, why should exception be taken to the statement of Mr. Sami Venkatachalam Chetti? In support of that statement, I can also draw the attention of the Government to the sannads that were granted to the various zamindars by the Government from the year 1802 onwards. I would read out to the House from a copy of the sannad I have in my hand which was granted to a prominent zamindar of a southern district. This was given under the signature of Mr. A. D. Campbell, Secretary to Government, probably one of the forefathers of Sir Archibald Campbell, on the 23rd day of October 1817 and in the name of the Rt. Hon'ble the Governor-in-Council. The sannad reads as follows:—

The hon. Sir ARCHIBALD CAMPBELL:—"On a point of order, Sir. May I know how all this is relevant to the discussion before the House."

* The hon. the PRESIDENT:—"I am also trying to find out the relevancy of it. Will the hon. Member explain how it is relevant to the subject before the House."

* Mr. V. T. ARASU:—"Sir, the statement made by Mr. Sami Venkatachalam Chetti that the zamindars are rent-collectors or tax-gatherers was disputed."

* The hon. the PRESIDENT:—"I think Mr. Sami Venkatachalam Chetti has himself defended very ably."

* Mr. V. T. ARASU:—"I was only pointing out to the House that the zamindar is no more than tax-gatherer and I can prove it to the hilt. The zamindars are in the same position as what are called Delcredre agents. If I am permitted to explain it, it means simply a dubash, who guarantees his principal the fulfilment by third parties of certain obligations. I was saying that the sannad issued to most of the zamindars lays down specifically that they are simply to collect rent from the ryots and pay it to the Government retaining for themselves a portion thereof for the labour they take in collecting it. There are also certain other clauses to the effect, that they must take care to see that the interest of the ryot is not in any way jeopardised and that they should not fleece their ryots in respect of rents collected by them. I shall read only one sentence from the sannad. It runs as follows:—

'You shall conduct yourselves with good faith towards your ryots whose prosperity is inseparably connected with your own. You shall treat them with tenderness, encourage them to improve and extend the cultivation of land and lay the foundation of your own happiness in the permanent prosperity of your tenants.'

"I ask hon. Members representing landholders' interests to ponder over this. This was a sannad granted by the Hon. Court of Directors of the United Company of Merchants in England, trading in East Indies. The zamindars are expected according to that sannad to treat their tenants with tenderness, encourage them to extend the cultivation of land and lay the foundations of their own happiness in the permanent prosperity

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of their tenants. I believe that no more words are necessary from me to commend this motion for the acceptance of the House.

"I shall close my remarks with one appeal to the hon. the Revenue Member and to the hon. Members sitting on the other side. We have made similar appeals which have always gone unheeded. I know that this will meet with the same fate. Nevertheless let me make that appeal. After the discussion we have had for two days, hon. Members would have come to realize the strength of feeling on this side of the House and the country that this Bill should not go forward unless and until Mr. Sami Venkatachalam Chettiar's Bill is also taken into consideration and at least some of the important provisions of the Bill are incorporated in the Government Bill. Let hon. Members opposite lay aside all party considerations and vote in favour of this motion. The motion wants that this Bill should be given the same chance as the Government Bill by being referred to a Committee, either the old Committee or a new Committee. And it will be the duty of that Committee to go clause by clause and incorporate the important provisions of Mr. Sami Venkatachalam Chetti's Bill wherever possible into the Government Bill and bring it forward before this House at the January meeting of the Council. If that is done I may assure the hon. the Revenue Member and other Members of this House that we on this side of the House will heartily co-operate with the Government and see that the Bill is passed into law as expeditiously as possible. I hope and trust that at least now the Government would see their way to accept this motion of Mr. Sami Venkatachalam Chetti and refer it to the Select Committee of this House."

* Diwan Bahadur B. MUNISWAMI NAYUDU :— "If after the vote not to adjourn the Bill I rise to support this motion. I do so with some amount of trepidation and with a certain amount of responsibility. The previous motions, so far as they went, had for their object the postponing of the consideration of this Bill itself for a certain period. The present motion has not been conceived in that spirit. After the message of His Excellency the Governor, that you read to this Council yesterday and also after the statement made by the hon. the Revenue Member in his reply to the previous motions I thought, Sir, that this Bill may not be proceeded with at this stage or in this form. His Excellency's speech referred to the attempts that are being made to bring about a settlement between the landholders and tenants on this vexed question and the hon. the Revenue Member also referred to that and stated that he hoped that there was a genuine attempt to come to some agreement. But he had made up his mind to bring in his Bill though a fortnight ago he was informed that that attempt had failed. In spite of the appeal made by us that the Member of the Government should take further steps and see to what extent an agreement could be reached . . ."

The hon. Sir ARCHIBALD CAMPBELL :— "I rise to a point of order. I said the negotiations have failed; the later negotiations broke down . . ."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"That makes my case the stronger. If the hon. the Revenue Member had made up his mind to push on with this Bill on the understanding, as he was made to feel, that an agreement was come to and therefore he would be able to go forward embodying the agreed amendments in his Bill, that provides a good reason why he should open further negotiations. Now, Sir, that shows that if there was an agreement between the two sections, whatever may be the scope of the Bill which he has introduced, whatever may be the nature of the Bill as it has emerged from the Select Committee, he would have no objection to embody such agreed provisions however foreign to his Bill they may be. On the floor of the House, the hon. the Revenue Member said: Why should I intervene; let the members between themselves reconcile their differences. He also said that he mentioned to Mr. Ramadas Pantulu in that connexion, that he was prepared to discuss with them if they were willing and if they asked him to do it.

"Well, Sir, whatever appeals were made elsewhere, we on the floor of this House are now making this appeal. We are asking him in this resolution, as a Member in charge of this department, to take up the duty of trying to reconcile the differences between us, at least as a last chance; we are not asking that this Bill should be adjourned for ever. We are asking the very same Select Committee to consider the provisions in our Bill with the other Bill and see to what extent, under his presidency in that Select Committee it would be possible for us to come to an agreement and to that end to explore all avenues possible for a settlement of this vexed question. Therefore, Sir, if the hon. the Revenue Member, as he says, has been induced to give notice of this motion to proceed with his Bill on the understanding of agreed resolutions, that is the very reason why when no agreed resolutions have been given he should agree to postpone it. This is the offer we are making on this side of the House in this resolution inviting on behalf of the tenants to do at least this last act of trying to bring about an agreement between the two sections. If in spite of this offer and in spite of his good wishes it is not possible to come to an agreement, nobody can complain. But I do hope that it should be possible to come to an understanding.

"There is one other point. My hon. Friend, the Chief Minister, began to say that the Bill as proposed to be introduced by the hon. Member for the City would lead to far-reaching consequences in regard to the income of the estates; it would curtail the facilities with regard to the recovery of rents by the landholders; the expenses of the estate including peshkash would come very nearly to half if the provisions of the Bill are accepted and the other half will be exploited by the tenants and therefore nothing would be left for them; and if that is the position the landholders are going to be reduced to, how can they be expected to discharge their duties and responsibilities?

5 p.m. "Sir, with the appeal of my hon. Friend, the Raja of Bobbili, every one of us must necessarily sympathise. He says that the zamindar cannot pay his dues to the Government. To that my answer is that it is not

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enough for the hon. the Chief Minister merely to say that the effect of this legislation will be this or that. The hon. the Chief Minister in his speech said that this House is not so constituted—and he has every reason to believe that it is not so constituted—that they would be a party to any measure which is in the nature of a confiscatory legislation. He has absolute confidence in the good sense of this House that it will not vote for a measure which is intended to seriously curtail the income of the zamindar and that any legislation which is in the nature of an expropriatory or confiscatory measure would not be agreed to by us. Whatever the constitution of the Council may be in the future or might have been in the past, leaving aside the Opposition, in respect of which he may hold his own opinion, at any rate so long as he has got the party behind and the Government to support him, he has absolute confidence to turn down any proposal which is of a confiscatory nature. Sir, on our part we may assure the hon. Minister that we are not interested in the passing of any expropriatory or confiscatory legislation but that we are here purely and solely interested in the question of millions of peasants living in zamindari areas. Whatever may be the resolution passed at the West Godavari Conference, we can assure him that we are not of that mood."

* The hon. the PRESIDENT:—"Is the hon. Member likely to take a long time?"

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Yes, Sir."

* The hon. the PRESIDENT:—"The hon. Member may continue his speech to-morrow."

The House will now adjourn and meet again at 11 a.m. to-morrow.

III.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. G.O. No. 443-I., dated the 8th May 1905, regarding the Nandyar Reservoir Project, Trichinopoly district.

† 2. G.O. No. 851, Public (Services) Department, dated the 19th October 1933, regarding Madras Services Commission's remarks on the points raised during the debate in the Legislative Council.

* 3. Administration Report of the Madras Services Commission for 1932-33.

* 4. Pamphlet No. 4 and leaflets Nos. 1 to 4 issued by the Madras Neo Malthusian League to the Members of the Legislative Council.

† 5. G.O. No. 1723, Revenue, dated 26th September 1933, regarding resettlement of British Cochin in the Malabar district and the villages of Anjengo and Tangasseri in Tinnevely district.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

^a Printed separately.

^b Placed on Editors' Table.